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Contents.

Case Reported this Week.

(Before the Vacation Judge.)

CURRENT TOPICS.

The Manchester meeting was very largely attended, and the hospitality of the local association was beyond all praise. Never was more generous provision made for the comfort and entertainment of visitors, and no one who was present can fail to feel grateful for the most liberal and hearty welcome afforded to the society. As regards the proceedings, it must be said that there were too many papers, and that some of the papers were too long. It was necessary to resort to the overflow meeting system, and this, we hope it will be understood, once for all, is not a success. It is unfair to the readers of papers who are relegated to the supplemental meeting, because their audience is invariably sparse; and it is unfair to members who may be interested in papers read at the same time in different rooms. The remedy would seem to be alternative. If the present number and length of papers is to be retained, the writers should provide a synopsis for reading to the meeting, the full paper being printed and circulated. Three quarters of an hour occupied by reading a paper makes a most serious inroad on the limited time available for discussion. But we think the real remedy lies in a limitation of the number and length of the papers. Perhaps, also, we may hint that a limitation of the length of speeches might not be unadvisable.

The President's address and Mr. Lake's paper, taken together, present with admirable clearness the two sides of the argument against the Land Transfer Bill. Solicitors object to it because it will transfer to a Government department business which the Legislature has committed to them—a monopoly for which they have to pay heavily to the State. They also object that this proposed transfer will not be to the advantage of the public, and in particular that the Bill now before Parliament, introduced professedly by way of experiment, is full of the most serious practical objections. The President's address takes up the first branch, and certainly deals with it in a manner which could not be excelled for terseness. "In registration no deed or instrument under seal will be required, so that it will be open to anyone, without any legal qualification, to take fees for the conveying of registered land. The effect of this Bill as regards ourselves is simple enough. It takes away rights which we, as officers of the Supreme Court, have hitherto exercised, and transfers them to a newly-created Government department; and after thus altering the conditions of our work, it compels us to compete in its performance with land agents, accountants, and auctioneers. How damaging to the position of solicitors a measure like this must be; how unjust to those who, to secure this position, have had a long and expensive education, have paid a heavy fee to the Government on entering into their articles, and an annual fee for their certificate to practise, it is not necessary for me here to explain." We do not think it should be assumed that legislators are wholly destitute of any sense of justice and fairness, and we confess we have always regretted that more has not been said on this matter in the various statements which have been issued. Everyone can see that solicitors will lose a monopoly if the Bill passes into law; no one outside the profession knows that the monopoly is secured by statute, or the price which has been and is being paid for it. Mr. Lake in his paper devotes himself to the other branch of the argument—the objections from the point of view of the public—and puts his points with unequalled clearness. His paper will constitute a valuable armoury for the conflict which will shortly recommence. The one point which requires to be driven home is the difficulty which the measure will occasion in borrowing money from bankers on equitable mortgage. We are disposed to agree with Mr. Bramley that if this is only properly understood the fate of the Bill will be sealed. Mr. Ellett's paper usefully supplemented those above noticed by the clearness with which it exploded the fallacies of the supposed delay and expense of the present system, of the supposed simplification of titles resulting from the passing of a compulsory registration of title, and of the supposed cheapness and ease of the proposed system; and Mr. Humfrys gave a most interesting description of the results of registration in America.

Mr. Howlett's paper on "Land Transfer" supplements most usefully the facts as to conveyancing which have been collected by the Council of the Incorporated Law Society. Those facts show that under the system of private conveyancing land transactions can be carried out cheaply, expeditiously, and with convenience to the parties. Mr. Howlett, from the special experience which he has had with respect to the Queen's Park estate at Brighton, shows conclusively that the placing of land upon the register leads to expense, delay, and endless inconvenience. The Queen's Park estate was registered under the Land Transfer Act, 1862, with an indefeasible title. This was in 1864, when the defects of the system had not become apparent. Some few landowners were willing to spend their money in trying it, and the purchaser of this estate was one of them. He bought the property for £28,000 and spent another £1,000 in getting it on the register. Under his contract he had no title which the registry would accept, but by the assistance of Mr. Howlett, who was the trustee-vendor, he was able to remove all objections, and at length, after enormous delay, he got his

"indefeasible title." By his own admission this was never any advantage to him, and the fact of the land being on the register has caused continual expense and trouble to the persons who have at various times purchased portions of it. Typical examples are given by Mr. HOWLETT. They all tell the same story. The fees charged by the registry are so much added to the expense, and it is impossible for transactions to be carried through with the celerity usual under the present practice. The registry records only the simplest transactions, and if there is any special provision, as an attornment clause in a mortgage, or a power for a solicitor-mortgagee to charge his usual costs, these are struck out in the office, and must be made the subject of a separate deed. A great part of the Queen's Park estate has been removed from the register, and the holders are no longer liable to all this annoyance. It would seem that the privilege is cheaply purchased by the fee, *double that paid for registration of a conveyance for value*, which the registry demands from those who seek to escape from its meshes. A large part was in 1888 registered with an absolute title under the Act of 1875, and on the register, therefore, it has to remain. Mr. HOWLETT, after referring to other large estates in Brighton which are not registered, sums up his experience as follows:—"The owners of these estates, so far from desiring to follow the example of Queen's Park, would rather regard that estate as a fearful warning. And I will go further and say that I believe that if it were possible to remove the 1875 cases from the registry, they would all be removed, and scarcely a trace of registration be left in Queen's Park. I know that my clients as owners, and I as mortgagee, would remove the properties in which we are concerned to-morrow, if we could do so." This conclusion, supported as it is by Mr. HOWLETT's experience of registered land elsewhere than at Brighton, and by the information he has obtained from correspondents, of all of which he gives examples, is entitled to the careful consideration of the Lord Chancellor, with whose request for a written statement as to the evils of registration the paper is intended to comply.

CONSIDERABLE interest was excited by Mr. HERBERT BENTWITCH's elaborate paper on Chambers of Arbitration, in which, after reviewing the history of the subject from the earliest times, he dealt with the London Chamber of Arbitration, of which he is one of the legal arbitrators. He fully described all the machinery provided for the settlement of commercial disputes, and gave some details of the matters which had come before the new tribunal. In about half of the cases tried one or other of the parties had been represented by a solicitor; in thirty-three per cent. of the cases the arbitrator chosen was a member of the legal profession; one of the disputes submitted referred to a solicitor's bill of costs, and another was already the subject of an action, and was sent down by a master of the Queen's Bench for settlement by the chamber at the request of both the parties. The matters involved had extended from sums a little above £20 to amounts above £1,000; and the average time occupied in all these matters, from their first institution to the final issue of award, had not exceeded fourteen days. He did not, however, point out that up to July last seven months had produced only twelve cases for the chamber. This omission Mr. MUNTON supplied, and both he and Mr. BLYTH took what seems to us the true line for the Incorporated Law Society—namely, that there should be no active promotion of the new scheme, the efforts of the society being devoted to the improvement of the machinery of the existing courts so as to enable them to try commercial cases satisfactorily. A special list of these cases, with priority of hearing, would go far to remedy the existing evils.

THERE EXISTS on circuit a practice of taking out summonses before the judge of assize, a practice of which it is not easy to discover the origin. The summons is issued by the judge's clerk, and is heard by the judge in his private room, as a general rule, though we have known instances of its being heard in open court before the regular list of the day is entered upon. No doubt the court has power to make any interlocutory order which is reasonably asked for as ancillary to the administration of justice at the hearing, and we are all familiar with applications, for example, that a case may not be taken before a certain day. But such applications are made by way of motion, and not by summons. Supposing, however, the application in question to be one which is properly made by summons, the course which the applicant is to pursue is fixed by R. S. C., ord. 54, r. 11, which provides that "in all cases of applications originating in chambers a summons shall be prepared by the applicant or his solicitor and shall be sealed in the Central Office," and that "the person obtaining a summons shall leave at the Central Office a copy thereof, which shall be filed and stamped in the manner required by law"; and it would seem that, unless these formalities are observed, the summons is irregularly issued, and a question might be raised as to how far a party would be bound to comply with an order made on a summons sealed by the judge's clerk, a copy of which has been left with him and filed by him instead of the officials at the Central Office, for we have failed to find any such proviso as that in any case arising on circuit the term central office shall be deemed to mean the clerk of the judge of assize. Moreover, should the judge's clerk decline to amplify his jurisdiction without first consulting the Annual Practice, and, failing to find therein any authority or precedent enabling him in that behalf, elect to pursue a policy of masterly inactivity, it is hard to see what course the applicant should take short of communicating with agents in town and taking out a summons in the usual course before the master in chambers, while, in the meantime, the case may have been called on and decided before the summons has been heard. The framers of Rules of the Supreme Court do not seem to have contemplated the difficulty of such a course, or the advisability of allowing summonses to be taken out before the judge of assize, and there is no machinery provided for so doing, though, if provided, it would often be of great convenience to litigants.

THE REPORT for 1892 of the Commissioner of Police for the Metropolis contains some interesting and instructive criminal statistics. The criminal returns for the year are, on the whole, satisfactory. As regards the number of crimes committed, the totals shew the same low average which marked the records of the three preceding years; and while the number of convictions after trial—*i.e.*, convictions of serious crime—was above the average, the number of acquittals was considerably smaller than in any preceding year. The Commissioner of Police, however, has not such a satisfactory tale to tell with reference to those offences against property which constitute the lifework of habitual criminals. Cases of housebreaking have undergone no substantial decrease, but stand at 1,320 in 1892 as compared with 1,329 in 1891; and cases of burglary have increased to 637 as compared with 532 in 1891, which again was higher than in previous years. One of the chief causes of these untoward results the Commissioner of Police holds to be the leniency with which prisoners of this class are now treated. We confess that the figures on which this conclusion is based, and which in our opinion establish it, have taken us by surprise. The convictions upon indictment for the class of offences in which burglary and housebreaking are included numbered in the past year 409. A considerable proportion of these convictions were of habitual criminals, and yet ten years' penal servitude was the maximum sentence recorded, and this sentence was imposed in 3 cases. In 1 case the sentence was eight years, in 6 cases it was seven years, in 2 cases it was six years, in 29 cases five years, in 2 cases four years, and in 30 cases three years. In the 409 cases, therefore, there were 73 sentences of penal servitude, and 61 of these were for terms of five years or under. A closer analysis of the statistics yields still more striking results. Though there were 143 convictions for burglary, only 19 sentences of penal servitude were imposed, the maximum being seven years, and this punishment was inflicted in 2 cases only. The convictions for breaking into dwelling-houses, shops, &c., numbered 179, and in respect of these only 32 penal servitude sentences were recorded. One of these was for eight years, 1 for seven, 2 for six, and the rest for terms of five years and under. It looks as if the reign of the short sentence theory had already begun.

A LARGE NUMBER of suggestions for the reorganization of our provincial courts are made by Mr. W. H. OWEN in the current number of the *Law Quarterly Review*. The proposal to amalgamate quarter sessions with the county court, giving the latter a Crown side and a civil side, and vesting both criminal and civil jurisdiction in the same judge, is not likely to have any practical result. It will be sufficient for the present to attempt to place the civil jurisdiction of the county courts on a satisfactory basis, without opening up for them an entirely new sphere of operation. More practical suggestions are those for the extension of the civil jurisdiction both in common law and equity—in common law up to a £300 limit, and in equity to all equity matters up to the £500 limit, instead of restricting the jurisdiction to certain specified matters as at present—and for the transfer of judgment summonses to the registrar, so as to leave the judge free for matters which really call for his interference. Mr. OWEN, indeed, seems to object strongly to the employment of the court for debt-collecting purposes, and to the people who in consequence are brought there. "The mere debt-collecting machinery, of which the judgment summons is so important a part, would thus be confined still more to its proper region, the registry, whilst the court itself would be swept clear of the motley herd of knaves and beggars from which so many of the judges turn away with loathing. In addition to the removal of a duty both trumpery and nauseating, it would also result in a great saving of judicial time, leaving the judges at liberty for the increased labour of an extended jurisdiction." Doubtless this would improve matters for the judge, especially if he obtains the salary of £3,500, which Mr. OWEN considers would be about the proper thing under his scheme, and a change with regard to judgment summonses will probably have to be made. But this will be because the work can be done as efficiently by the registrar as by the judge, and certainly not for the sake of relieving the latter of an unpleasant part of his work. Presumably the "motley herd" would be as distasteful to a registrar as to a judge.

A CHANGE of greater importance is that advocated by Mr. BLAND in the paper on the "Unification of Civil Courts" which he read at the Manchester meeting. He proposes to abolish the county courts as mere independent local courts, and to reconstitute them as an inferior branch of the High Court. One advantage would be that the procedure in the superior and inferior branches of the court could be made absolutely uniform, and the difficulty and expense now incidental to transferring matters from the High Court to the county court might be lessened or altogether avoided. Moreover, any reforms in procedure which are made for the High Court, would at once take effect in both branches, and lawyers in passing from one branch to another would not find themselves bound to conform to different sets of rules. But such an extension of the sphere of the High Court, supposing it to be desirable, would make it even more necessary than it is at present to place our whole judicial system under proper management and control. Attention was called to this matter by Mr. SIMPSON in his paper on "The Business of Law Administration." He suggests the appointment of a permanent Minister of Justice, independent of party, and that the staff of judges and legal officials should be so arranged, and from time to time increased, as promptly and efficiently to dispose of all actions. It may be doubted whether the head of the department of justice should be independent of party. He would properly be a member of the Government, and this would be necessary to insure due responsibility. But there is no doubt that for the administration of the law to be carried on as a business, and not, as has hitherto been the case, more or less at haphazard, it is necessary that the work of all the courts, whether superior or inferior, should be placed under the control of some central authority.

WHO WRITES the catch-words for the Vacation Judge's cause list? Some of them are rather striking. For example: "*Riess* v. *The Oxford, Limited*.—Dahomey Amazon Warriors—Injury to plaintiff's business by crowds—restrain passage of Amazons to and from music-hall in neighbourhood of plaintiff's premises." Possibly the author is taking advantage of the Long Vacation to qualify as a reporter and writer of head-notes. If so, the attention of Sir FREDERICK POLLOCK should at once be drawn to the matter.

THE STATUTES OF FORCIBLE ENTRY AND THEIR EFFECT ON CIVIL RIGHTS.

I.

THE legal effect of a forcible entry upon land made by a person who has a right of entry is a question of considerable theoretical, and also, as recent cases have shewn, of practical interest, but it is one which the authorities, so far, have not succeeded in settling. It depends on two points: the prohibition of forcible entry by the criminal law, and the effect given to this prohibition in civil actions. The use of excessive violence in exercising a right of entry seems to have constituted an offence indictable at common law (Hawkins' Pleas of the Crown, i., 495; *The King* v. *Wilson*, 1799, 8 T. R., at p. 360); but it has been from early times expressly made punishable by the series of statutes known as the Statutes of Forcible Entry. The first of these, 5 Rich. 2, c. 7, provided that no entry should be made into lands or tenements, except where entry was given by law; and in that case, not with a strong hand, nor with multitude of people, but only in peaceable and easy manner (as to the exact wording of the statute, see Pollock on Torts, 3rd ed., p. 336). Offenders were to be imprisoned and ransomed at the King's will. The next statute, 15 Rich. 2, c. 2, empowered the justices to interfere. Upon complaint of a forcible entry they were to take sufficient power of the county and repair to the place were the force was made; and if any held the place forcibly after entry made, they were to be taken and put into the next gaol, there to abide, convict by the record of the justices, until they had made fine and ransom to the King. The statute 8 Hen. 6, c. 9 provided that the earlier statutes should apply both to forcible entry and to forcible detainer, and enacted that the justices might cause the land to be reseised, and the party put out to be put back into possession. In addition he was to have his assize of novel disseisin, or writ of trespass, and if the forcible entry or forcible detainer was found, he was to recover treble damages. It was provided, however, that there was to be no forcible detainer within the statute where the detainor or his predecessor in title had been in possession for three years; a proviso which was further enforced and explained by 31 Eliz. c. 11.

Thus the statutes recognize two offences: forcible entry and forcible detainer; and in addition to punishing the offender they provide for the summary restitution of possession to the person aggrieved. The force which will constitute a forcible entry may take the form of actual violence to the person of the possessor, or it may consist in the use of such threats or display of force as to give just cause to fear bodily hurt (Hawk. P. C., i., 501). Forcible entry is "entry with strong hand, with unusual weapons, or with menace to life or limb (Bac. Abr., 7th ed., iii., 716). And in pleading, the allegation that the entry is *manu forti* is said to be necessary to shew that the force is unlawful; *vi et armis* implying no more than the slight violence which a man may lawfully use (*Harvey* v. *Brydges*, 14 M. & W. 437). So, too, in the case of entry into a house, the law is broken if violence be done to the building, and it is said to be forcible to break it open, though not to draw a latch and so to enter (Bac. Abr., iii., 717; Hawk. P. C., i., 501).

The entry, moreover, is equally forcible whether there is actual force on entering, or after entry upon the land the possessor is turned out by force or frightened out by threats. "If one enters peaceably, and, when he is come in, useth violence, this is a forcible entry" (Vin. Abr., 2nd ed., xiii., p. 380). "If a man enters peaceably into a house, but turns the party out of possession by force, or by threats frights him out of possession, this is a forcible entry" (Bac. Abr., iii., 716). And the law as thus stated was acted on by FRY, J., in *Edwick* v. *Hawkes* (29 W. R. 913, 18 Ch. D. 199). There the defendants had taken possession of a public-house under a right of entry. The evidence shewed that on the 4th of October, 1880, their

foreman went to the house accompanied by two men, and also by one of the county police, who went at the request of the defendants, and who warned the plaintiff, the tenant of the house, not to interfere with the defendants' men. The defendants' men entered peaceably, and they took possession of the bar and turned the plaintiff out of the house, but his wife and family were allowed to remain. The plaintiff returned on the 5th and 6th of October, and was on each occasion put out again by the defendants' men. On the last occasion his wife was also forcibly turned out, being carried out of the house by three of the defendants' men, and there was medical evidence that she had suffered serious injuries. On this state of facts FRY, J., held that the defendants had been guilty of a forcible entry. "The statute of Rich. 2," he said, "prohibits an entry with a strong hand, which means, as I understand it, coming with a multitude of people or any excessive number of persons. The possession can only be taken in a peaceable and easy manner. If the operation of the statute is confined to the mere act of getting over the border, the edge, of the property in question peaceably, the statute is evidently not adequate to meet the evil it was intended to repress, viz., the evil of persons who have a right, as well as those who have not a right, causing disturbance, inaugurating civil war, for the purpose of obtaining possession of that which is or which they claim to be their property. Accordingly it appears to me to be clear law, and I desire to restate it, that, if an entry be made peaceably, and if, after entry made, and before actual and complete possession has been obtained, violence be used towards the person who is in possession, that is criminal within the statute of Rich. 2."

The statutes of Richard 2 punish all force without regard to the estate of him upon whom the entry is made, therein differing from 8 Hen. 6, c. 9, which deals with restitution of possession. At the same time the person entered upon must have some estate, as of freehold or as lessee for years, sufficient to confer exclusive possession, and there can, therefore, be no forcible entry within the statutes on a bare custodian (Bac. Abr., 7th ed., p. 719), or, it has been held, upon a tenant at will or on sufferance (*The King* v. *Westly and Walker*, 2 Keb. 495; *cf. The King* v. *Derny*, 1 Salk. 260). But such tenants have an exclusive possession, in respect of which they can maintain trespass, and as to them the rule may be doubted (*cf.* Hawk P. C., i., p. 503).

Moreover, if a person, having right of entry, enters upon land he will obtain the possession for civil purposes, and will obtain also a possession in respect of which he can bring an indictment under the statute, although the actual possession may still be in dispute. This seems to account most satisfactorily for the decision in *Lows* v. *Telford* (1 App. Cas. 414). Two persons, WESTRAY and TELFORD, were in the occupation of premises of which LOWS was mortgagee. The premises were occupied as a sale-room and warehouse, and were locked up at night, no one remaining upon them. On the morning of the 14th of July, 1870, LOWS, in exercise of his rights as mortgagee, but without giving notice of what he was about to do, went with two men, one of whom was a carpenter, and effected an entry by taking off the lock of the outer door. One of the men went inside the building, and while the other man, the carpenter, was engaged, with the door half open, in putting on a new lock, Lows being with him at the time, TELFORD and WESTRAY came and attempted to turn away LOWS and the carpenter. In this they did not succeed, but after a time they effected an entrance by a window, and then forcibly ejected LOWS. LOWS indicted them for a forcible entry, and, upon being acquitted, they brought an action against him for malicious prosecution. In this the question was raised whether he had obtained by his entry a sufficient possession of the premises to afford reasonable and probable cause for the indictment. Whether actual possession is obtained by mere entry upon premises in the absence of the occupier, provided the occupier returns at once, seems to be doubtful. In the Exchequer Chamber it was held that LOWS had not obtained actual possession; in the House of Lords Lord CAIRNS, C., was of opinion that he had. But Lord SELBORNE, citing *Jones* v. *Chapman* (2 EX., at p. 821), pointed out that whether Lows had obtained actual possession or not, he had, since he entered with title, obtained the possession for civil purposes, and hence there was a sufficient foundation for the charge of forcible entry against WESTRAY and TELFORD.

The statute 15 Rich. 2, c. 2 only recognized the offence of forcible detainer when it had been preceded by a forcible entry; but 8 Hen. 6, c. 9 made it a distinct offence, and under that statute a forcible detainer of land, though after a peaceable entry, was made criminal. As to what amounts to a forcible detainer, it is said that the same circumstances of violence or terror which will make an entry forcible will make a detainer forcible also (Hawk. P. C., i., 502). The strict words of the statute appear to imply that a detention of land by the owner, who has entered under his right of entry, may be forcible, but the courts have shrunk from giving them such an effect. "I cannot think," said DENMAN, C.J., in *The King* v. *Oakley* (4 B. & Ad. 307), "that the Legislature meant that the act of a man in maintaining his own rightful possession by force against a wrongdoer should authorize the justices to turn him out of possession." And so it is said elsewhere, "if a man be gotten peaceably into his own it seems he may defend it by force" (Bac. Abr., iii., 718). Consequently it is only a forcible detainer where a person who has entered, whether forcibly or not, without right, or who, having right, has entered forcibly, withholds the possession from the former possessor.

The offence of forcible detainer does not appear at the present time to be of any practical importance, but it may be noticed that the old writers were a good deal exercised over the provision of 8 Hen. 6, c. 9 and 31 Eliz. c. 11 allowing a three years peaceable possession to justify a forcible detainer. For this purpose it was said that the possession must have been in respect of a lawful estate, or at least that the proviso applied only to a detainer after a peaceable entry (Hawk. P. C. i., 510). But the statutes seem to save a three years' possession from the penalties attached to forcible detainer in all cases. As regards disseisees with right of entry, this was no hardship, since by making claim they could at once vest the possession in themselves, and it was considered that there was thereupon a fresh entry and detainer by the disseisor (Hawk. P. C., i., 503). This is the same principle as that acted upon by Lord SELBORNE in *Lows* v. *Telford* (*suprà*). And as to strangers, the disseisor's possession was good. "Bare possession is a good title against all persons, except him who hath the right and cannot be lawfully defeated by any other (Hawk. P. C., i., 510; *cf. Asher* v. *Whitlock*, L. R. 1 Q. B. 1).

The power of the justices to restore possession to the person forcibly ejected depends, under 8 Hen. 6, c. 9, on the effect of the word "reseise," and hence the statute was held to apply only in cases where entry had been made on a freeholder. To cure this defect the statute 21 Jac. 1, c. 15 was passed, which gave the justices the same power of restitution in favour of tenants for years, tenants by copy of court roll, and others. Hence in indictments it became necessary to shew the estate of the aggrieved party, that it might be known which statute was to be relied upon (*The King* v. *Arden*, 3 Bulst. 71); and it is sometimes said, though not it would seem with strict accuracy, that the statutes of Rich. 2 and 8 Hen. 6, c. 9 extend only to freeholders, and 21 Jac. 1, c. 15, to lessees for years, &c. (*Rex* v. *Wannop*, Sayer, 142).

THE BOARD OF TRADE AND THE WORKING OF THE BANKRUPTCY ACTS.

II.

THE Inspector-General next proceeds to note some of the criticisms upon the working of the Act recently issued by the Incorporated Law Society. The points he deals with are: (*a*) Decrease in compositions and schemes of arrangement; (*b*) realizations by official receivers while acting as *interim* receivers; (*c*) the system of proxies; and (*d*) diminution in employment of solicitors.

Upon the first point, he states the fact that while the number of receiving orders has increased during the last two years, the number of bankruptcies resulting in compositions or arrangements has diminished from 87 in 1890 to 60 in 1892, mainly through the provisions of the Act of 1890, whereby the courts are prevented from approving such schemes in certain cases unless reasonable security for payment of not less than 7s. 6d. in the pound to the creditors is provided, and he approves of

this result in opposition to the adverse criticism directed thereto by the Incorporated Law Society. But in this, again, it appears to us he labours under a misconception as to the object of the criticism, which, we take it, was not meant to object to the prevention of the carrying through of delusive schemes of arrangement, but rather to the extreme delay and red-tapeism which prevents in many cases even the attempt to carry through a beneficial scheme in bankruptcy being made, and but for which many estates which are now at all hazards kept entirely out of the cognizance of the court would be in the first instance brought within it if reasonable facilities were given, and delay avoided, in carrying through a scheme in bankruptcy.

Upon the second point, it is evident that the animadversions which have frequently been made as to the arbitrary course adopted by official receivers in certain cases (which we cordially admit must be exceptional) have had a beneficial effect upon official receivers generally, and have stimulated the Board of Trade to keep a strict surveillance over them in this respect. But, notwithstanding all this, can the Inspector-General say that no case occurs of complaints being made against the action of official receivers in dealing with estates prior to the appointment of a trustee? If he can, then it will certainly be more assuring to the public, but we have testimony that such is not the fact.

As to the system of proxies, the Inspector-General thinks that the suggestion of the Incorporated Law Society that "proxies should be simple, like railway company's proxies," would have the effect of reintroducing the evils of the former system. Now it has always appeared to us that those evils were very much exaggerated at the time, and that the Legislature in 1883 unnecessarily went to the other extreme in dealing with them. And obviously this was very soon recognized by the Board of Trade, otherwise the very great modifications since introduced would not have been made, and so long as official receivers continue fairly to make use of general proxies intrusted to them by creditors, in voting in such manner as they may be directed by the creditors giving them, the inconvenience of the present system probably will not materially be felt.

With regard to the remaining point with which the Inspector-General deals—namely, the diminution in employment of solicitors, again we think he misconceives what was intended to be urged by the Incorporated Law Society. Speaking, as that society has a right to do, in the interests of its members and to its members, the report of that society merely draws attention to the fact that the effect of the Act has been to withdraw from them business which formerly it was their privilege to transact in order to have the same business transacted by the officials of the Board of Trade, the remuneration therefor being, of course, transferred from the one to the other. Whether this result is a benefit to the public or otherwise may be a question for controversy, but the fact that solicitors as a class are injured thereby cannot surely be doubted, and it is only natural that they, at least, should be of opinion that the change benefits nobody except the officials created by the Act.

The remaining portion of the Inspector-General's report consists of notes upon the tables of statistics set out in the schedule thereto and of the tables themselves, with which we do not propose to deal. The report of the Board of Trade concludes with some observations by Mr. WALTER MURTON, the Solicitor to the Board, as to the legal proceedings conducted by him under the Bankruptcy Acts, and these also do not appear to contain anything calling for special remark.

REVIEWS.

BOOKS RECEIVED.

Supplement to the Fourth Edition, by Leopold George Gordon Robbins, of Bythewood and Jarman's Conveyancing. By the EDITOR and ARTHUR TURNOUR MURRAY, Barristers-at-Law. Sweet & Maxwell (Limited).

The Registration of Transfers of Transferable Stocks, Shares, and Securities, with a Chapter on the Forged Transfers Acts and an Appendix of Forms for Directors, Secretaries, Registrars, and Officers of Public Companies and other Bodies. By GEORGE ENNIS and GEORGE FRANCIS MACDANIEL ENNIS, Barristers-at-Law. Effingham Wilson & Co.

American Law Review, September-October, 1893. Editors, SEYMOUR D. THOMPSON, St. Louis; and LEONARD A. JONES, Boston. Reeves & Turner.

The First Principles of Jurisprudence. By JOHN W. SALMOND, M.A., LL.B., Barrister-at-Law. Stevens & Haynes.

Provisional Orders of the Board of Trade in Reference to Gas and Water, Tramway, Pier and Harbour, and Electric Light Undertakings; being a Manual of Practice for Promoters, Opponents, and Others. By FRANCIS J. CROWTHER, Parliamentary Agent. Jordan & Sons.

CORRESPONDENCE.

LIFT FOR THE ROYAL COURTS.

[*To the Editor of the Solicitors' Journal.*]

Sir,—Would you allow me to suggest through your columns that it would be a great boon, not only to the chief clerks and masters, but also to the practitioners and the public, if a lift was built in the middle of the building, opposite to the entrance in Bell-yard? How it was overlooked by the architect is more than I conceive. Anyhow, one would have thought that some of the head officials would have looked after it.

The space for the lift is actually there, and it is only the expense of the lift and of a man to attend to it that would be required.

Having regard to the unfortunate fact that from the basement to the top floor there are four flights of stairs to mount, it is no joke, I assure you, to repeat more than once the journey—as one is frequently compelled to do in order to complete and stamp a bill of costs, for instance.

J. HEDDERLY WHITE.

Oct. 6.

CASES OF THE WEEK.

Before the Vacation Judge.

MIDLAND COAL, COKE, AND IRON CO.—11th October.

COMPANY—WINDING UP—RECONSTRUCTION—DISSENTIENT SHAREHOLDERS—JOINT-STOCK COMPANIES ARRANGEMENT ACT, 1870 (33 & 34 VICT. c. 104), s. 2—COSTS.

This was a petition to obtain the sanction of the court to a scheme of arrangement between a company and its creditors by way of reconstruction, whereby the assets and liabilities of the company were to be transferred to a new company. The company was being wound up under supervision. There were eight shareholders who had given notice of dissent from the scheme proposed in the petition.

KENNEDY, J., made an order sanctioning the scheme, the order to be without prejudice to the rights of the shareholders above referred to, who had given notice of dissent, to decline to accept shares in the new company if so advised, the liquidator to pay the costs of the dissenting shareholders of of incidental to the petition as part of the costs of reconstruction.—COUNSEL, *Hopkinson*, Q.C., and *Vernon; Ellis; Muir Mackenzie*. SOLICITORS, *Ashurst, Morris, Crisp, & Co.; Maskrell, Maton, & Gedles; Waterhouse, Winterbotham, Harrison, & Harper*.

[Reported by V. DE S. FOWKE, Barrister-at-Law.]

The *Standard* says that, a vacancy having occurred in one of the Metropolitan County Courts, the Lord Chancellor has made a redistribution of courts, so that four judges have now to perform the duties which were formerly carried out by five judges. In consequence of this change, Mr. Homersham Cox, the West Kent judge, is relieved from attendance at the Rochester County Court, but in lieu thereof he is called upon to undertake the duties of judge of the Lambeth County Court, whilst Mr. W. L. Selfe, the East Kent judge, is called upon to take the place of Mr. Cox at Rochester—the most important county court in Kent—in addition to discharging the duties he has hitherto carried out. At the sitting of the Rochester County Court on Wednesday there was a very large muster of solicitors practising in the Rochester and Chatham District to welcome Mr. Selfe, and Mr. Richard Prall, the town clerk of Rochester, expressed the sentiments of the legal profession. Judge Selfe, in the course of his reply, incidentally referred to changes he proposed to make in the practice at that court. As they were aware, there had been a Parliamentary Commission recently appointed with a view of ascertaining whether it was desirable to alter the law in relation to judgment summonses, but as the outcome of the inquiry no alteration would be made in the system at present in force. It was his belief, however, that the intention of the Legislature could be attained by short terms of imprisonment being passed upon those who refused or neglected to obey the orders of the court, and he should act upon that plan, making orders of committal for ten days only, instead of the longer terms hitherto imposed. He trusted that the more lenient course which he proposed would have the desired effect here, as it had done to a great extent in other courts over which he presided.

LAW SOCIETIES.

INCORPORATED LAW SOCIETY.

ANNUAL PROVINCIAL MEETING.

The Incorporated Law Society held their annual provincial meeting—the 20th—at Manchester on the 10th and 11th inst., this being the second occasion upon which they have visited the city.

RECEPTION BY THE LORD MAYOR OF MANCHESTER.

On Monday evening the Lord Mayor (Mr. Alderman Marshall) and the Lady Mayoress received the members attending the meeting at a conversazione held at the Town Hall. Upwards of a thousand guests were present, including Mr. F. P. Morrell (President of the Incorporated Law Society of the United Kingdom), Mr. John Hunter (Vice-President), Mr. John Cooper (President, Manchester Incorporated Law Association), Mr. H. T. Crofton and Mr. H. Samson (Vice-Presidents), Mr. W. Melmoth Walters, Mr. R. Pennington, Mr. Robert Cunliffe, and Mr. C. M. Barker.

TUESDAY'S PROCEEDINGS.

The LORD MAYOR, who presided at the commencement of the meeting, having given the society a very hearty welcome, quitted the chair, which was then taken by Mr. F. P. MORRELL (President).

PRESIDENT'S ADDRESS.

After some preliminary remarks, he discussed the subject of

LEGAL EDUCATION.

The Incorporated Law Society is, in one aspect, an educational body: it provides lectures and examinations in the study of law, and determines the standard of knowledge to be required; and every solicitor, by virtue of the privilege that belongs to him of training and employing articled clerks, may exert if he will a certain educational force. It is, therefore, alike our business and advantage to consider from time to time how far our system achieves its purpose and satisfies in its results the requirements of the day. Much, no doubt, depends on the quality of the men; and we may assume at once, as Mr. Pennington last year so forcibly put it, that "unless a young man possesses a natural capacity for business, indomitable perseverance, and the power to take an interest in and give close attention to matters of detail, he is not likely to make a mark in our profession." But given these primary conditions, a great deal more remains to be done, so that it is, I think, hardly possible to exaggerate how much the success of any work depends on those who direct the education preceding it. In advocating, as I wish to do, the claims of what is called a liberal education, I am at this disadvantage, that I shall seem to be depreciating the use of that technical training to which liberal education is commonly opposed. Let me say at once that this is not my wish. The years which a man spends as an articled clerk, previous to being entered on the rolls, are plainly of the highest importance to him. It would be mere folly to depreciate their use. What I wish to do is, if possible, to extend it; and this, I believe, can best be done by developing further the capacity of our pupils—in other words, by increasing the more general studies which precede or accompany this time. These two kinds of training, if rightly taken, are not in fact opposed to one another. Both contribute to a common end; so that it is only after acquiring in some larger course of study a certain breadth of intelligence and judgment that a man is able, by applying himself to the practice of law, to become a sound and competent lawyer. The law is by tradition a learned profession; attorneys in old days worked mainly in Latin, and in the older universities it shares with medicine, music, and divinity this distinguished privilege, that the degree of doctor is still confined to graduates in those four faculties. Whether the distinctions which these relics of an older state imply are of any present interest or value may be reasonably questioned. But that the members of any profession must be so educated as to carry on without loss the tradition of work and influence it involves, else that profession will ultimately suffer, this is beyond all question true; and looking back to these earlier times, I venture to doubt if in this matter we solicitors as a body have quite kept pace with the progress of the age. There are, as you know, in the universities of Oxford and Cambridge, schools and faculties of law in which the principles and history of the subject are systematically taught; and in cases where it is thought well that a man's earlier studies should have a direct bearing on his subsequent work, a course of this kind would probably be found of strong and lasting benefit. At Oxford, for the school of jurisprudence, which is concerned more especially with our own legal system, a knowledge of the theory of legislation and of the history of English law is principally required. Under the heading "English Law" (1) the Law of Contract; (2) the Law of Succession, Testamentary and Intestate; (3) the Law of Real Property; and (4) the Law of the Constitution, with certain specified topics, are the subjects comprised; reference being made to Williams, Stephen, Blackstone, and the best known writers on constitutional law. This examination, which is one of those qualifying for the regular B.A. degree, may be taken in the ordinary university course, and is parallel to those in history, philosophy, and other final schools. There is also a separate school of civil law, qualifying for the degree of B.C.L., for which a course of two years more is required. The examination here is only open to those who have already taken a degree in arts, and comprises such matters as (1) "Roman Law," with the Institutes of Justinian and a special subject; (2) "English Law," including real and personal property, common law, and equity; (3) "International Law." The number of men with the time and inclination to go on to this degree is probably small, but the work involved in either school would act as an excellent educational test; and the scientific interest so acquired would be to many men a very helpful introduction to the more practical study of the law. These schools already exist to our use. It rests with us to make use of them or not. May I suggest to the Examination Committee of the council that they would be helping forward the work of education, and relieving perhaps their own labours as well, if they would provide, under proper conditions and safeguards, that a degree either in jurisprudence or in civil law at Oxford, and a corresponding degree at Cambridge, should be taken as a substitute for the intermediate examination? This would not be a very large experiment to start with, but it would be, I believe, in the right direction; and everyone with experience of the subject must admit that the standard of knowledge would at least not be lowered by the change. In making this suggestion I am not unaware of the many competing opportunities of study, whether in legal or more general knowledge, which other places of learning afford. The standard required by the University of London is notoriously high; and here in Manchester it is hardly necessary for me to remind you of the honourable reputation which Owen's College, now a part of the Victoria University, has for long past rightly held. In both of these a similar study of the law obtains. Lectures are given and degrees in it conferred; and although the request made to us in 1887 by the authorities at Manchester, that graduates in law should be held exempt from the intermediate examination, was not found practicable by the council of our society, arrangements are in force by which our preliminary certificate is not required of students of the college, and by which, in certain cases, their articles are limited to a term of four years. The work effected by institutions like this is beyond all question or criticism of mine, and any attempts that may be made to extend, as far as possible, their influence and use in preparation for the law are always sure of consideration and support. But for the special purpose which I have in view, the older universities, where residence is required, possess, I believe, a peculiar virtue. The time which they occupy is longer, the cost of living more, but generally if a man is sensible and well-disposed, the expense incurred is more than compensated by the wider experience which their life affords. The number of solicitors who go to the universities before entering their articles has of late years been continually increased. To encourage, or at least not to hinder this tendency, by removing, as far as possible, the obstacles both of time and money which these men have now to face, would be, in my opinion, the best way of promoting the education of solicitors, and fostering rightly the interest of the profession. In following this course we shall not be at variance with the practice of other great professions. The proportion of barristers with university degrees is considerably larger at present than with us; and this, I believe, is consequent to no small extent to the regulation by which such men may keep their terms and eat their dinners while still reading for a university degree. In the Army and Indian Civil Service the same tendency is shewn. The universities are used in an increasing degree by both these services for the qualification and instruction of their candidates. The question, gentlemen, is not one of sentiment or of tradition, but simply of use. At the universities teaching of all kinds is easily done. The subjects are familiar, the means effective and cheap. With us it is, at best, a troublesome matter. Instruction, as such, is not in our line. We are most of us too busy with the practice of law to give much time to the consideration of teaching it. A certain standard can, of course, be set, and this ensures some measure of knowledge; but any thorough system of education, such as the universities by lectures and tuition are able to supply, can only be effected by us, if at all, with difficulty and great expense. There are no doubt a great many kinds of solicitor's business for which any very high degree of general education would be practically useless, and the men who propose to enter on these are not likely to make the mistake of attempting it. But the tendency, on the whole, is strongly the other way. The demand for culture and education arises on all sides, and it is the first business of this society to recognize and provide for it. This we shall best do, not by endeavouring to expand our system beyond the resources in our reach, but while jealously reserving to ourselves the final right of admission, so modifying its conditions, that those who desire a higher education may avail themselves of it without loss wherever it is best supplied. This interest in education has lately been illustrated for the members of our society in a new and unusual manner. The Law Students' Association, representing a large body of articled clerks from many of the most important cities outside the metropolis, such as Manchester, Halifax, Bolton, Preston, Bradford, Wakefield, Sheffield, Leeds, Newcastle, Birmingham, and others, addressed itself formally to the council on the subject, and a deputation was in due course received. The deputation urged (1) that we do not spend enough money in the work of direct instruction, and that more lectures and more tuition ought to be supplied by us to enable men to acquire the requisite knowledge for passing the intermediate and final examination. (2) That what money we do spend is spent, so far as tuition is concerned, in London, and for London men alone. (3) That the standard of general knowledge required for passing the preliminary examination is at present too low, that it should be increased to the standard required for matriculation in London University, and that no one should any longer be allowed to take other examinations in its stead. This, gentlemen, was in effect the substance of their complaints, and though I have not thought it necessary to refer to the matter at length, the reply to them, I think, is largely contained in what I have already more generally said. The amount of money spent on education by us is ultimately, of course, determined by the amount of our funds, and this again depends on the strength of the society, which we should all desire to see largely increased. But I can at least assure the law students of this, that the council are prepared to extend their system of education as far as ever their resources will allow, and will strongly endeavour—though here complete success is probably beyond their reach—to apportion it so as best to satisfy the conflicting claims of those who are concerned. As to their wish that the standard in the preliminary examination should be increased, that, no doubt, could easily be done. Finally, may I say, that though the idea of pupils sending a deputation to instruct their examiners seemed to me at first sight strange and incongruous, and though in several points I am entirely at variance with the

opinions expressed, it is a great pleasure to me to find in those who are pressing on to succeed us in the profession so much activity in the cause we have at heart—an activity indeed that gives no small promise of future educational success. In concluding these remarks on education, I would say that the subject is not one on which any man can safely dogmatize; and though from my long connection with the University of Oxford it is a subject of great interest to me, it has not been my wish in treating it to-day to do more than suggest some matters for thought. Let me sum up very briefly the conclusions to which I have been led. I would urge on all solicitors the duty of admitting as articled clerks only such men as they believe, from their education and character, will in course of time do credit to the profession; and, further, of instructing them when articled to the utmost of their ability in the principles and practice of the law. But, while admitting that none can instruct them in the practice of law so well as we ourselves, I would remind you that we are lawyers by profession, not teachers or professors, and we should therefore avail ourselves gladly, not jealously or reluctantly, of all existing educational means, both to teach and examine for the preliminary certificate; and also in some cases where, as at the universities, it can be properly arranged, I would allow certain law degrees to be accepted in lieu of our intermediate examination; which is one in specified books, and not, as the final examination, in the general knowledge and practice of law.

The Land Transfer Bill.

It remains for me, gentlemen, in accordance with the traditions of this post, to say something, so far as our profession is concerned, about the legislation of the year. The extraordinary nature of the session now past has made this task comparatively light. With the question of Home Rule, important as it is, we are not here concerned. There is, however, one measure at least to which I must refer, a measure that in some degree concerns us all, and concerns not a few of us very vitally indeed. I mean, of course, the Land Transfer Bill, which has already passed the House of Lords, and awaits consideration in the Lower House. I cannot think that a Bill like this, altering, as it does, to the root a considerable part of the conveyancing business of this country, and seriously affecting the fifteen or sixteen thousand men whom we in this provincial meeting for the time represent, will be allowed to pass through the House of Commons without full and thorough discussion. But it is not for us to wait for this; and as no less than four papers have been promised on this subject by Mr. Lake, Mr. Howlett, Mr. Ellett, and Mr. Humphreys respectively, of whom all in their different experience are probably far better qualified than I to deal with it to the best effect, I shall content myself with treating it in outline only, and I shall trust to the help which these papers afford to enable us to define without narrowness or mere self-interest the substance of our objections to the Bill. The Land Transfer Bill, 1893, is intituled "An Act to simplify titles and facilitate the transfer of land in England." It provides for the formation of districts by the Queen in Council, to which alone its operation will be confined. Thus at first, no doubt, the experiment will be on a small scale; but it is possible that without further application to Parliament the districts may ultimately include the whole of England and Wales. Within these districts the Bill provides that after a day to be named in it (the day at present named is the 1st of January, 1894), registration of title to land shall be compulsory on every purchase of freehold land and on every conveyance on sale; and that the purchaser shall not become entitled to the legal estate in the land he has bought until he is registered under this new Act (which is to be construed as one with the Land Transfer Act, 1875), as the proprietor of the land. The Bill further provides for passing rules adapting its provisions to the proprietors of leasehold land. In this registration no deed or instrument under seal will be required, so that it will be open to anyone, without any legal qualification, to take fees for the conveyancing of registered land. The effect of this Bill as regards ourselves is simple enough. It takes away rights which we, as officers of the Supreme Court, have hitherto exercised, and transfers them to a newly-created Government department; and after thus altering the conditions of our work, it compels us to compete in its performance with land agents, accountants, and auctioneers. How damaging to the position of solicitors a measure like this must be; how unjust to those who, to secure this position, have had a long and expensive education, have paid a heavy fee to the Government on entering into their articles, and an annual fee for their certificate to practise, it is not necessary for me here to explain. Solicitors as a body are not, I venture to assert, wanting in regard for the public good; nor do they forget that what is of interest and advantage to the community at large must be ultimately so to the profession they support. If this Bill were really required; if it were likely to amend the agricultural distress; if it were even a sincere effort to settle the question, then the present and inevitable hardship to ourselves would be, I believe, cheerfully borne. But this is not the case. The Bill is, on the face of it, a half-hearted measure, in which the authors themselves hardly believe; introduced professedly by way of an experiment to meet a passing political demand—a measure which, if only it were not compulsory, would probably, in its main intent, be indifferent alike for evil or for good, one of the many Acts inscribed in the Statute book which seem by their inscription to have attained their end. As it is, the partial and experimental character of the Bill, though welcome enough to those outside it, makes it, wherever its action will extend, only the more obnoxious and unjust. For what to a political party is merely an interesting experiment, to be tried as long as the idea is in the air, and thrown aside when done with, may bring ruin on those whose business and profession it affects. To apply a measure to selected districts by compulsion is to act, at the best, in a very arbitrary way. These compulsory clauses, which are, I suppose, the special feature of this Bill, are also, beyond question, the worst evidence against it. For—apart from the obvious retort which they suggest, that if the advantages offered were sincere, compulsion to make use of them would not be required—the officialism and routine so introduced must inevitably hamper and restrict the many intricate transactions in which land is concerned. Land, although from the different conditions of its possession, its transfer is necessarily more difficult to effect, does not differ materially for the purposes of commerce from any other marketable commodity. Yet I think the business of Manchester or Liverpool would be not a little harassed if a Government office or commercial registry were established in which, to be considered valid, all contracts, sales, and engagements must be recorded. The idea here is plainly absurd; but if absurd with reference to commercial dealings, why is it so desirable for dealings in land? The proposal of compulsory registration for land has not even the merit of novelty. It has already once at least been examined and condemned. In 1862 a Land Transfer Act was passed by Lord Westbury, and another by Lord Cairns in 1875. Into neither of these was compulsion introduced. Yet in 1879 a select committee on land titles and transfers, after considering how these measures might be improved, reported strongly against the principle of compulsory registration; and Lord Cairns himself, in giving evidence before them, though admitting the practical failure of his scheme, entirely declined to recommend compulsion. What changes have occurred, or what fresh evidence has been obtained, to make what was undesirable in 1879 desirable and right in 1893? Moreover, I cannot believe, in spite of all that the advocates of this measure assert, that it will be found practicable to keep the register private. All the precedents point to the contrary; and it seems hardly possible that the powers which the Lord Chancellor and Registrar by this Bill possess of issuing a general order to throw open the records to public inspection, will not before long be put in force. In any case complete privacy will be much harder than at present to secure. Yet any professional man must know how serious a disadvantage such lack of privacy would often be. But when all these objections to the principles and working of this measure have been met—and I have only attempted to put a few of them quite shortly in passing—the question still remains, to what purpose or in whose interest is it framed? There is not, I believe, at bottom any strong feeling of conviction that solicitors of late in the matter of land transfer have neglected or abused their rights. There was a time no doubt when this could not be said, when the expense and delay incurred in these transactions was often unnecessarily large. But it must be remembered that since the passing of the Conveyancing Acts, 1881 and 1882, conveyances and other deeds necessary for the transfer of both freehold and leasehold interests in land have been greatly shortened and simplified, and the Settled Land Acts of 1882, 1884, and 1887, have largely increased the powers of tenants for life in dealing with land, so that they can now sell land practically quite as easy as an absolute owner. The solicitor's costs, also, since 1881 have been regulated by an *ad valorem* scale of a most moderate nature, especially for small conveyances, which, in very many cases, are, from evidence we have obtained, carried out very rapidly, often within a week, and mortgages and temporary loans, where time is important, often in a single day, so that neither in the matter of cost or delay is the present system of conveyancing open to reasonable complaint. All that the politicians of both parties appear to feel is that something must now be done; the state of agriculture demands relief; and if a few solicitors are ruined in the experiment, "*vile damnum*," 'tis a cheap price to pay!

Agricultural Depression.

Of the reality of the agricultural depression and its disastrous consequences to the labourer, the farmer, the landlord, and in some measure to the whole community, there is unhappily no question or dispute. But no one can suppose that a Bill like this, altering merely the method of transfer and the agents for effecting it, will permanently help the agricultural condition. Something more fundamental is required; and while all would be glad to see the existing system of voluntary registration simplified and improved, it is plain that the ultimate remedy for the distress must be sought elsewhere. The Government have appointed a Royal Commission on Agriculture; and I would suggest in passing that this proposal of land transfer, instead of being pushed through Parliament without adequate means of judgment upon it, might well be referred to this commission, enlarged possibly by some who have an expert knowledge of land transfer, for consideration and report. But there is another question with which the commission will certainly have to deal, affecting still more intimately the subject of their investigation, and offering, as I think, far surer ground for adjustment and reform, I mean the incidence of taxation on land. The enormous accumulation of charges on this kind of property is in large measure a traditional burden, handed down from bygone times. When, after the Reformation, the poor laws were first passed to relieve the destitution and poverty which had previously been relieved by the liberal alms of the monasteries, it was reasonable that they who had succeeded to the monastic land should also succeed to their burdens. Moreover, land was then, and has continued till comparatively quite recent days, to be the most important property, and to represent the chief wealth of the country. A tax upon it was and is easy to assess. The land cannot take to itself wings, nor can its owners and occupiers flee away. What then was so simple as to make land bear poor rates, highway rates, local police, and sanitary rates, and lastly school board rates, following suit one by one? In order of date, tithe is the first charge on agricultural land or its produce, and often the most serious of all; poor rate is the second, and land tax, first imposed in 1690 and made perpetual in 1797, is still a heavy charge. All these fall directly on land. And what is the result? Let us for a moment take a simple instance. An ordinary farm of 300 acres, bringing in £300 a year, would be subject, apart from insurance and repairs, to the following rates and charges:—

		£	s.	d.
Payable by Landlord.	Income tax, Schedule A. at 6d. = . . .	7	10	0
	Land tax (say) at 8d. = ...	10	0	0
	Tithe at 4s. per acre = ...	60	0	0

Payable by Tenant.	Poor rate, including highway and local rates collected with it, at 2s. =	30	0	0
	Schedule B. at 3d. =	3	15	0
	School Board rate at 4d. =	5	0	0
		£116	5	0
But £300 a year from Consols, or from any form of pure personalty, pays only income tax		7	10	0
So that £300 a year from Consols means a net		292	10	0
While £300 a year from land means at best but a net		183	15	0

The death duties do indeed compensate slightly for the inequality. In the case of land passing from a father to a lineal descendant, the succession duty being but 1½ per cent., as against the 3 per cent. probate duty with which personalty is charged. But these duties are only payable on the death of the owners of the property, while rates and taxes are an annual charge. I am, of course, aware that contributions are made from the imperial exchequer, and from that of the county councils towards the relief of local rates; and the help thus given, especially in the case of education, is very considerable. But no one can reasonably doubt that the incidence of taxation on real property, accumulated gradually through a long course of years, requires careful and detailed consideration at the hands of the Royal Commission. The present system, charging so much on land, which it can ill-afford to pay, and from which it often gets but little requital or return, and so little on the now immense personal income of the community, is both illogical and unjust.

The Taxation of Ground-rents.

In considering the taxation of land, I can hardly avoid some reference, so far as the limits of this address will permit, to the charges on house property; and with that to the two new and important questions known as "betterment" and "taxation of ground-rents." For the principle of betterment, in theory at least, there is, I think, much to be said. If the ratepayers' money is spent to the direct and permanent improvement of any private individual's property, so that a house or plot of building land, hitherto comparatively worthless, becomes by reason of such outlay greatly increased in rental value to the owner, I cannot see how some fairly assessed rate or charge on such owner for betterment could in justice be resisted. To take an example: When a new street, like Shaftesbury-avenue, is constructed to pass through the Seven Dials or some closely adjoining district, and the property in one of the worst slums in London becomes thereby the site of a theatre, or obtains a frontage to a busy and important thoroughfare, the owner of a property so improved could not, and, I believe, would not, complain of a fair and reasonable betterment rate being levied upon it. Such a rate, because it is new, should be very carefully watched and safeguarded. It should be safeguarded not only in amount, and as to locality, but also in duration of time; for within a certain term of years the outlay will have been in due course repaid by means of a sinking fund. Provision should also be made for the reduction or remission of the charge, in case a property which was once improved should, under other circumstances, again be reduced in value. For these purposes, as in the case of other rates, full power of appeal should be given; so that it may be placed beyond doubt that the betterment exists in fact and not in imagination only. Lastly, if the owner is to be rated, he must also be represented. Mr. Goschen's Committee of 1870 reported "that, in the event of any division of rates between the owner and the occupier, it is essential that such alteration should be made in the constitution of the bodies administering the rates as would secure a direct representation of the owners adequate to the immediate interest in local expenditure, which they would thus have acquired"; and the Town Holdings Committee state that they are "clearly of opinion" that, in the event of such a division of rates, "the claim for representation must be met." With these modifications the principle contained in "betterment" is just, and ought, I think, to be frankly accepted. To the taxation of ground-rents these arguments, as it seems to me, do not apply. Ground-rents reserved on ninety-nine years or other long building leases arise from a contract between the owner of the land and the builder of the house. This contract provides for the expenditure of capital and the employment of skill in the improvement of the land on the part of the individuals who are parties to it. It does not involve any expenditure of public money. When the house is built, it is rated on its full annual rack-rent value; and no deduction is made for the ground-rent payable to the ground landlord. Of two houses of the same annual value, the one a leasehold house on which a ground-rent is paid, the other a freehold house on which there is none, both are rated at the same sum. It is quite clear, then, that the ground-rent does not escape taxation as some have thought or said, being, in fact, a part of the full rack-rent in respect of which the rating is assessed. Whether the landlord or tenant pay the rates and taxes is a matter of private arrangement between them, which it is for them alone to decide; and if, as is usual, the tenant pays, to impose a further tax on the ground-rent, which by the terms of the contract he owes to the landlord, would be to tax the leasehold house in part twice over. The distinction drawn between owner and occupier is here irrelevant.

Local Indebtedness.

Gentlemen, I had at first intended to confine my remarks on local taxation to agricultural land and rural districts. I therefore only gave you one and a very simple illustration; but having mentioned betterment and the taxation of ground-rents, which would be strictly urban charges, I ought perhaps to add that those who desire to consider the vast and most important question of local taxation and indebtedness throughout the country, will find most useful information, offering as it seems to me much food for thought and inquiry, in the report of the President of the Local Government Board, dated the 10th of April, 1893. Mr. Fowler is a member of our profession, and until his appointment as a Cabinet Minister—on which high honour, in your name, I sincerely congratulate him—he often attended the meetings of the council of our society, of which council he is still a member. His report, dealing as it does with very large bodies of figures, demands time and leisure for its proper consideration, and is hardly suitable for a public address. I will, however, venture to draw your attention to one most important fact which appears on the report. Mr. Fowler states that in 1868 the total amount of the local debt was not known, but he estimates it at sixty millions, and as prior to the Public Health Act of 1848 there was no means, except local Acts, by which authorities could borrow on the security of the rates, I should think that this estimate was a high one; and yet in 1891 (*i.e.*, after twenty-three years) the total local indebtedness of England exceeded 201 millions, a little under four millions being due from rural districts and the rest from London and other urban districts. That a local debt which did not exist at all, or only to the smallest extent, at the commencement of the present reign, should now have reached such an enormous total, may in one point of view prove how greatly the population, importance, and wealth of our towns have increased; but it also points the moral of another tale, and suggests that some check on its rapid growth should, if possible, be devised. On the contrary, at present all who like myself (and there are many such among you) are county councillors or members of a local board, will know well with what care and hesitation even a necessary and small increase of expenditure is regarded if it is to be paid for out of the year's rate, and with what difficulty it is voted; and yet with what ease and alacrity any expenditure, be it great or small, from new municipal buildings down to a steam roller, is voted, provided only it is to be paid for out of borrowed capital. The consent of the Local Government Board is, I know, necessary in such cases; but is not that consent, at times, too readily obtained? Most assuredly if house-rents should fall as agricultural rents have done, and if there should come a time of urban distress, these local debts would be a heavy and most serious burden on our towns.

The Circuit System.

In coming to those matters of more immediate interest to the profession, to which during the year now past the council has given its attention, I have first to notice the alterations in the circuit system—a measure of reform that, since our consideration of it at Norwich last year, we have very frequently discussed. This alteration, which was carried out by the Order in Council of the 28th of July last, is a matter, both to London and the country, for sincere congratulation. Its effect should be to secure continuous common law sittings at the Royal Courts of Justice, just the same as in the Chancery, Probate, and Divorce Divisions; and to provide an almost continuous assize for civil and criminal business in Manchester and Liverpool. If further alterations in the circuit system are to be considered, I hope that they may be in the direction suggested by Mr. Hollams fifteen years ago, when the society last met at Manchester. Mr. Hollams then advocated the abolition of the commission days, which, with the attendance at church, the listening or not to a sermon that will not in the least affect the integrity of the judge or his willingness to temper justice with mercy, and the reading in court of the Queen's proclamation against vice and immorality, which affects other people as little as the sermon affects the judge, are merely relics of a bygone day. All these ancient and worn-out forms I would gladly see abolished, and so add 100 and more days to the working days of the assizes. Let me quote to you again from the same authority: "I imagine," said Mr. Hollams, "that a very small percentage of the inhabitants of Manchester and Liverpool see anything of the ceremonies of the commission days. At all events, it seems inconsistent, if these ceremonies are so beneficial as has been suggested, that London should be wholly deprived of them. There the judges take their seats without any flourish of trumpets or previous formalities, but with fully as much authority as in any other part of the kingdom."

Bills in Parliament.

Among the other matters which the council have considered are the Bills of Sale Bill, the Solicitors (Magistracy) Bill, the Trustee Consolidation Act, the action of the Bankruptcy and Winding-up Department of the Board of Trade, especially with regard to the growth of officialism, and the formation of the London Chamber of Arbitration. All of these have received much care and attention from the council, and are referred to at length in our annual report. There are two other Bills to which at the conclusion of this address I had hoped to be able to refer with satisfaction, but in this hope I have at the eleventh hour been disappointed. By the Supreme Court of Judicature Bill, introduced by the Lord Chancellor, and passed in the House of Lords, the president for the time being of the Incorporated Law Society was appointed a member of the Rule Committee referred to in the Bill; and the position of trust which he is privileged to hold was thus officially recognized. A compliment to the society so graceful, so opportune, so well-deserved could not be let pass without some acknowledgment. The council had for many years past given close and continued attention to all legislative schemes; they had in their position as practising solicitors an intimate acquaintance with the public needs, and had from time to time been able to make some useful practical suggestions. This work and this experience the Lord Chancellor proposed to recognise in a very gratifying way; and while fain to confess that my own opinion and judgment were but little entitled to such respect, I was gladly preparing to congratulate my successors and the society generally on the new opportunities of influence and utility thus held out; but the Bill has unfortunately been delayed and is not yet law. The Statutory Rules Bill, which was introduced at the instance of the council of our society, and had passed through the House of Commons, has also been delayed, and has not yet passed the Upper House. It was a measure of much public importance, securing as it would have done to this society, to the Chambers of Commerce, and to other public bodies, the power of criticising and considering the measures of rule-making authorities, before such rules became law. You will all know well how almost invariably, in these

days, an Act of Parliament relies for its practical working and effect on rules to be framed under its provisions, and it is of the utmost importance to us, and to the public, that such rules should be practical, simple, and easily to be understood. The delay of these two Bills is a disappointment—it is useless to conceal the fact. But if I am correct in thinking that they both contain provisions which will be of much service to the public, I venture to predict that before very long another president will be able to congratulate another provincial meeting of our society on their having become law.

For the rest, I have only to apologize for having detained you so long: I will detain you no longer. It would have been easy for me to dilate on our prospects and future position, but on these points, however you may have differed with me on some of the subjects of my address, we should be all agreed. We should, one and all, desire by every legitimate and proper means to increase the welfare and influence of our profession; and if this meeting contributes ever so little towards this end it will not have failed of its effect.

Mr. JOHN COOPER (President of the Manchester Incorporated Law Association) moved a vote of thanks to the President for his very able and practical and enlightened address. If the provincial meetings had no other merit it would be at least a great advantage to have had the series of presidential addresses which had been delivered from year to year, addresses which had been well considered, practical in their character, and influential in many cases in their results. The address to which they had just listened was one quite worthy to have its place in the series.

Mr. F. H. JANSON (London) seconded the motion, which was carried with acclamation, and

The PRESIDENT briefly returned thanks.

NEXT YEAR'S MEETING.

Mr. F. STURGE, on the part of the Bristol Incorporated Law Society, invited the society to hold its meeting at Bristol next year.

Mr. J. W. ALSOP invited the society to visit Liverpool next year.

Mr. HERBERT BRAMLEY invited the society to Sheffield for the year 1895. He suggested that next year the society should go to some town in the south of England.

Mr. J. B. CLARKE (President of the Birmingham Law Society) invited the society to visit Birmingham in 1895.

The PRESIDENT said the invitations would be referred to the council. He suggested, however, that having met this year in the north it would perhaps be right that the society should go next year into the west, so that the meeting of 1894 might well be held at Bristol, and the consideration of the place of meeting in 1895 might be deferred for the present.

LAND TRANSFER.

Mr. ROBERT ELLETT (Cirencester) read a paper entitled "Land Transfer: Some Popular Fallacies Considered," as follows:—

I do not attempt to discuss exhaustively the provisions of the Land Transfer Bill. That has been amply done by others. On the part of the society it has been done in the pamphlet ("Observations on the Land Transfer Bill, 1893") issued by the Land Transfer Committee of the council, a pamphlet in which we recognise the brilliant style, the trenchant reasoning, and the sound judgment of the gentleman who, from 1889, has borne the brunt of the battle over this question. I refer, of course, to Mr. Benjamin Greene Lake. But since that pamphlet was issued, the battle has shifted from the calm serenity of the House of Lords to the more turbulent sphere of the House of Commons, and the question is being discussed in the press and in ordinary conversation from a more popular standpoint. In this process it goes without saying that many foolish things and some wise ones are uttered. At the risk of adding to the former class I have thought that I might usefully ask you to devote a short time at this popular gathering to the consideration of one or two of the popular ideas, or, as I should say, popular fallacies, which exist, but which tend to form that public opinion which, after all, is the determining factor in legislation. For whilst we must not fail to recognize that there is danger in this case of legislation being forced by theorists, and by politicians hungry for votes and thirsting for fame, yet we may be sure that if we are on the alert, and do our duty, that danger may be averted, and any legislation rendered impossible which is not backed by a substantial consensus of public opinion.

Fallacy as to expense and delay of present system.—Now it must be acknowledged at the outset that there is a very general impression outside the profession that the transfer of land under the present system is attended with great delay and expense. We can scarcely take up a newspaper in which the question is discussed without finding this stated or assumed as a fact. And with that impression it is natual enough that the public should incline favourably to those who tell them that by passing the Land Transfer Bill delays and lawyers' bills in regard to transactions in land will be no more. Here, then, we meet a fallacy underlying and explaining much of the controversy. *It is not the fact that the present system is dilatory or costly.* We may safely challenge those who take up this question under the impression that it is so to adduce facts. I have read a good deal of the literature on the subject, and I find that facts are conspicuous by their absence. Take an instance. A pamphlet has been issued by the Cobden Club, in a cheap and popular form, purporting to publish facts leading to the conviction that the substitution of registration for our present system would be beneficial. These are the modest terms of the author's preface. The pamphlet is an attempt to push the present Land Transfer Bill into popular favour. Now what are the "facts" which the writer states it to be his object to publish. He says: "Few would be disposed to deny that the difficulty and expense which (with rare exceptions) surround a transfer, and even more a mortgage, under the existing system, tend to restrict the market for land, and that its value as a saleable commodity would be greatly enhanced by an alteration of that system in the direction of cheapness and simplicity." Again: "At present it is well known, if I wish to sell a few acres of my land to my neighbour, who is as anxious to add them to his farm as I am to turn them into cash, he and I are obliged in almost every case to go through a process occupying a long time and involving a heavy lawyer's bill before he can lock up in his safe the deed by which I have conveyed the property to him and I can put the purchase-money in my pocket." "The time occupied is usually to be measured by weeks, and even months." "The price paid for the land itself falls far short of the total outlay which is necessary before my field can become my neighbour's." These are the statements. But there is not throughout the pamphlet one tittle of evidence to support them, although they are put in the forefront of the argument as the very essence and ground of the new scheme; and we know that these statements, taken as descriptive of the general rule, are grossly inaccurate and misleading, that in fact they can only be true of exceptional cases, such as will arise under any system. The writer of the pamphlet referred to accounts for the opposition of solicitors partly by supposing that their judgment is affected by experience of defective, but past, systems, and by failure to give due weight to improvements which have been made. It would really seem that in this idea we get the explanation of the writer's misconceptions as to the cost of land transfer, and the time it occupies under the existing system. He must have failed to recognize the effect of the important changes in the law affecting land title and transfer which have taken place in modern years. There was no doubt a time when his strictures would have been true—a time when the necessary period of investigation of title was sixty years—when a second chain of title was kept running side by side with the ownership of the land in the shape of attendant terms—when a tenant for life had no power to sell the fee simple, and when lawyers were paid by the folio. But owing largely to the action of solicitors and of this society, those are things of the past. Land can be, and is, transferred from hand to hand as rapidly and as inexpensively as other kinds of property, regard being had to its different nature and circumstances. A purchaser of land can now see for himself beforehand what the cost of investigation of title and conveyance will be; he will find that it ranges from 1½ per cent. to ¼ per cent., exclusive, of course, of the Government stamp duty of ½ per cent. (which, by the way, is usually regarded as part of the lawyer's bill), a tax on land transfer which no one proposes to abolish or reduce, not even in small transactions, despite all one hears of the importance on public grounds of encouraging small investments in land. Will anyone pretend that an outlay of from 1½ per cent. to ¼ per cent. for the services of an expert in land transfer impedes the free dealing with land or depreciates its value as an investment? And if not, what becomes of the alleged necessity for a new system on the ground of expense? It is sometimes said that the scale charge to which reference is made has to be doubled because it attaches to both vendor and purchaser; but the fact is that in many cases, and almost as a rule in small cases, the vendor does not pay the scale charge, and often pays nothing; and even where both parties do pay the scale charge, I ask again, will anyone say that the combined charges, varying from .£3 per cent. to ¼ per cent., can prejudice the land market or impede transfers? But even so, the whole force of the facts is not stated, for it is well known that a very great proportion of the sales and mortgages of land in small lots is effected through the agency of friendly and building societies under special scales of charges much below even that authorized by the Solicitors' Remuneration Order; and further, that under special circumstances, such as the sale of a great number of small lots at one time, or the notoriety of certain well-known titles, or even in some cases pressure of competition, the actual charges are often less than the single scale fee, as the statistics published in the "Observations" show. The allegation of delay is equally unfounded. The tables appended to the "Observations" contain a great number of instances, furnished by members of this society, by way of illustration of the general practice, which I am sure your own experience confirms, showing that transfers of land are now as a matter of ordinary practice effected in solicitors' offices at the nearest town in the course of a week or two, or even of a few days or hours when necessary. We shall not, I think, have wasted these few minutes if we succeed in stimulating ourselves and our professional brethren in the work which the council and the provincial societies have initiated of enlightening our representatives in Parliament and the public as to the real facts with reference to this frequent but unfounded allegation of delay and expense under the present system.

Fallacy that registration of titles would simplify titles.—Another fallacy which largely prevails is that registration of titles would simplify titles. The public are led to suppose that they have only to register, and, like lovers in a novel, be "happy ever after." Some newspaper correspondents say that it is all the fault of those wicked solicitors that titles are muddled. Put your title in the keeping, they in effect say, of the registry, and it will be always clear. Is it to be supposed, I would ask these enthusiasts, that after the passing of a compulsory Registration Act there will be no more spendthrifts, no more muddlers, no more home-grown will makers, no more intricate and far-reaching provisions for widows and children or more remote relations, no more of the thousand and one accidents, eccentricities, blunders, cross purposes, and animosities which so often tangle the web of ownership of property in land. The public need to be informed that these conditions, the continuing nature of which they will recognize, must affect registered land, and dealings in it, as well as unregistered; nay, more, that in the case of unregistered land the ingenuity of lawyers, combined with the "give and take" of buyer and seller, and aided by the oblivion which comes as years roll on, soon cure the mischief, and meanwhile enable the land to pass from hand to hand without prejudicing its value; whereas the register, with its necessarily fixed procedure and its tendency to routine, would perpetuate blots and hamper transactions. The fact is, that the cases so frequently brought forward to illustrate the simplicity and facility of transfer under a system of registration (and the illustrations adduced in the Cobden Club pamphlet may be referred to as specimens), are simple cases. A. transfers to B. B. charges in favour of C. C. discharges, B. transfers to D., and so on,

But do the public understand that those are just the cases in which, as as regards facility of transfer, there would be nothing gained by registration, but the reverse? In such cases you obviously increase delay and expense instead of reducing it, by introducing, as a necessary part of the machinery of transfer, a registration officer at a distance whose routine arrangements and other official duties must be regarded, and who knows nothing and cares nothing for the parties, compelling those parties to travel or to send their agents to the registry towns, instead of allowing them to complete the transactions at their own homes with the help of solicitors, whose interest it is to facilitate the business and save trouble to their clients.

Fallacy as to ease and cheapness of the proposed system.—A third fallacy is the notion that, after the passing of this Bill vendor and purchaser would be able to walk into the registry and, without conveyance, and without a solicitor, and without any expense except a small office fee, get the purchaser's name on the register, and that being done, that the purchaser is safe. Ridiculous as this sounds in the ears of lawyers, there is no doubt that it is what many people think the Bill means. They do not understand that if the purchaser wants to know that he is buying what he can hold, he must be advised by a lawyer just as well after the passing of the Bill as now, and that in addition to paying the lawyer, he will have to pay the office fees. Neither is it understood that after the first purchase and registration the register will be merely evidence of a possessory title, and that investigation of title outside the register will still be necessary for years.

These, then, are a few of the popular fallacies incident to the present movement. If our view that they are fallacies be accepted, the movement in its present form should be abandoned. If, on the other hand, issue is taken on the facts, there ought to be a searching and impartial inquiry before legislation is attempted. In considering the matter thus far we have been led to indicate to some extent the attitude of the profession towards the movement. It is often said that solicitors oppose compulsory registration from motives of self-interest. Well it is not necessary to claim that we are more public-spirited than our neighbours, and we cannot be justly charged with being less so. We may well leave such aspersions to the judgment of the public, whose real thoughts about us are best shown by their every-day resort to us for advice and assistance in regard to their most important and most sacred interests. But there is an aspect of the question which may appeal to the minds of those who cannot understand that the members of our profession may be actuated in their attitude towards this question by other than selfish motives. Is there not the certainty of much work for the profession being created by this Bill if passed? We know that many landowners object for various reasons to disclose their titles. The various motives which induce that objection will continue after compulsory registration has been enacted, if it be enacted—the very circumstance that the system is made compulsory will invigorate the objection—devices for evading it will be desired, and lawyers will find their reward in contriving and working such devices. Moreover, there will be plenty of cases in which defective titles will have to be patched up, all the more difficult to patch because of the official requirements of the registry, and there will be the cases in which the persons who try to do without a solicitor, or who fall into the hands of unqualified agents, will find themselves obliged to seek the aid of a solicitor under circumstances making his intervention more expensive than it would have been at first. Let it, however, be clearly understood that it is not registration but compulsion that we oppose. We do not oppose a good system of registration; on the contrary, we desire to see the existing system so amended and improved that its benefits shall not be outweighed by its disadvantages, but we are opposed to a measure which, ignoring the disadvantages and evading the claim for amendment, seeks to compel owners to do against their will that which they would be ready enough to do if worth doing. If instead of seeking to push registration down the throats of the profession and the public by force, if, instead of insisting upon keeping on the register every title once put upon it, if, instead of making the registry unprofitable and unpalatable to solicitors, and trying by all means, seemly and unseemly, to induce the public to come to it independently of solicitors, the advocates of registration would so amend the present system that it should be worked with the aim and purpose to adapt the procedure to the wants and wishes of landowners and their advisers, if it were left a voluntary system both as regards placing titles upon the register and removing them when on, if the office were manned by solicitors of experience in conveyancing practice, if solicitors were encouraged by the rules of procedure to act as agents, and clearly protected in their present right, for which they are heavily taxed, of being with barristers alone recognized as qualified to prepare instruments for the transfer of land, then there is no doubt that the profession would do their best to make the system of registration work smoothly. We are convinced, however, that to make compulsory the system of registration as at present developed under the Act of 1875, which is the main object and effect of the present Bill, would be, in a great majority of cases, prejudicial to the parties concerned, would tend to hamper and impede transactions, would put in the hands of the officials of a State department work now satisfactorily done by solicitors, and would injure the profession without benefiting the public. With these convictions we should be false to our duty alike as citizens and as lawyers if we did not offer the most strenuous opposition to the present Bill.

Mr. J. W. Howlett (Brighton) read a paper entitled "The Lord Chancellor and Local Land Registration," as follows:—

"*In pursuance of what was said yesterday when you saw the Lord Chancellor on Land Transfer, will you send as soon as it can be prepared a statement in writing, showing the points in which a system of registration of title and transfer in local registries will be troublesome and expensive as compared with present practice, and also as to the difficulties which it would create in obtaining advances from banks.*"—*Vide* letter from the Lord Chancellor's secretary to Mr. Pennington, President of the Incorporated Law Society, dated the 28th of April, 1893. Up to the time of the Land Transfer Bill leaving the House of Lords, and indeed, as far as I know, up to the present time, no such statement as above required by the Lord Chancellor has been prepared. This paper is intended as a humble attempt to meet, as far as circumstances will permit, what, I believe, is the only request, at any rate the only *written* request, for information the Lord Chancellor has made. It will be seen that his lordship speaks of "local registries," but leaves it uncertain what he means thereby—*i.e.*, whether the local registries are to be many or few, one for every county or one for every town, parish, or district. Then, experience of the present system of registration of title and transfer in local districts is necessarily very small, local landowners not having availed themselves of the registry to any appreciable extent. The only way in which the Chancellor's request can be met appears to be by showing him the practical working of the Acts of 1862 and 1875 in local or provincial places where registered properties, even though few and far between, are to be found. In Brighton, with its several very large and valuable estates (saleable and in the market), and its many thousands of smaller but distinct and separate freehold properties, only one estate has been registered in over thirty years, and I have only heard of one other in the entire county of Sussex—viz., an estate at Worthing, though possibly there may be one or two more. The Worthing estate, like the Brighton estate, has found no imitators. I am told it is regarded as a great nuisance, and a large part thereof has been taken off the register, as probably the rest will ultimately be, as, being under the Act of 1862 (the Act of 1875 not having been adopted), this can be done. The Brighton case, however, is a most instructive one. This registered property is known as "The Queen's Park," and in 1860 belonged to a late partner of mine. It then consisted of two large villa residences, a building and grounds called "The German Spa," and nearly forty acres of park land enclosed and surrounded on all sides by a high brick wall. In the year 1863, after the death of the owner, I, as the acting trustee under his will, had to sell the estate. It had been acquired by my testator in small quantities—piecemeal—at different times and in different ways. The titles were very numerous, long and complicated—in fact, they together made the biggest thing in abstracts that it was ever my fortune to encounter. I put the estate up to auction in Brighton on the 28th of November, 1863, and in the conditions of sale named the 1st of February, 1864 (two months and four days), for completion. The property was sold at the auction for £28,000. By the use of judicious conditions of sale, the principal and most effective of which was that a forty years' deed or will should be a good root of title, no serious questions or difficulties about title had to be met, and the purchase was completed on the day named. The purchaser's solicitors, a London firm, then wrote me that their client desired to acquire an indefeasible title under Lord Westbury's Act of 1862, but, as in order to do that they must shew at least a sixty years' title, they hoped that I could and would supply them with the earlier title and assist them in getting the indefeasible title desired. I complied with their request. The registration took an enormous time, and cost, I was told, upwards of £1,000, from which expenditure the purchaser himself told me some years after he had never received, and never expected to receive, a penny of benefit. During the progress of the registration I had many attendances at the registry to assist the London solicitors and the registrar with my local and personal knowledge, which enabled me to give explanations of matters which to me were "A B C," but to them appeared to present insuperable difficulties. On the completion of the registration I received the warmest thanks of Mr. Follett, Q.C., the then registrar, for my assistance, without which, as he expressed it, the registration could never have been carried through. In connection with the charges so constantly made against solicitors of having stifled Lord Westbury's Act for their own interests, I refer with satisfaction (and it is the only satisfaction to be derived from the case) to the part I took in this case to give that Act a fair trial. Twelve years after the purchase the purchaser sold a portion of the property in building plots by auction, the sale advertisements and posters being headed with the then supposed magic words "indefeasible title." I have reason to know that those words did not advantage the vendor a penny. A client of mine purchased five of these plots at £100 each. If the title had been left as it was after the sale to the vendor—that is, if it had not been registered and made "indefeasible"—I should have been able to complete this £500 purchase in two or three days, at a cost of £10 to my client. As it was, and notwithstanding all the diligence I could use, it took me more than four months to complete the matter, and the costs came to over £25. Of these costs the sum of £5 18s. 5d. was disbursed (in eleven different sums) in fees, stamps, &c., to the Land Registry. I might also have added travelling expenses on the numerous occasions on which I had to visit the land registry, fifty-three miles from my office, but did not, the cost already being so great. My client was so disgusted at the delay and cost (so different from anything that he had known before), that he took away his dearly-obtained land certificate, and I have never seen him since. I lost a client, and I have no doubt that to this day he considers me responsible, and a sharer in the plunder. This experience I told, by request, at the annual provincial meeting of the society at Liverpool, and it appears in the printed proceedings of that meeting. The four following further experiences of Queen's-park land under the Act of 1862 have been communicated to me:—

£2,000 *purchase in* 1879.

The general costs amounted to	£15	19	0
Stamp on conveyance and expenses incident to three journeys to London	13	6	0
Stamps, fees, and payments to land registry . . .	3	8	1
	£32	13	1

The agreement for purchase was entered into on the 21st of June, 1879, but the purchase could not be settled until the 8th of August following, and the land was not got off the registry until the 3rd of November following. The

land was taken off the registry because the purchaser wanted to sub-sell in plots, and the delay occasioned by registration was too great for business purposes.

£540 purchase in 1881.

The general costs amounted to	£14	7	6
Stamp on conveyance and expenses incident to three journeys to London	4	11	6
Stamps, fees, and payments to Land Registry	5	18	10
	£24	17	10

The costs under the scale would have been £11. The above includes removal from register, necessary because the purchaser was a speculative builder, who required advances as his buildings proceeded. Instructions were received in this case in the middle of May, 1881, but the conveyance was not received until the 16th of July following, and the removal from the register was not completed until the 26th of October following.

£252 purchase in 1883.

The general costs amounted to	£14	19	6
Stamp on conveyance and expenses incident to three journeys to London	3	2	6
Stamps, fees, and payments to Land Registry office	8	1	8
	£25	13	8

The costs under the statute would have been £6 10s. The above includes removal from registry. Instructions were received in this case on the 14th of November, 1883; the conveyance was received from registry on the 1st of February following.

£120 purchase in 1883.—The costs in this case were increased by its being a sub-sale under an agreement, thus needing a subsidiary deed of confirmation.

The general costs amounted to (including a mortgage for £400)	£17	9	6
Stamps on conveyance and deed of confirmation, and expenses incident to journeys to London	3	8	6
Stamps on mortgage	0	15	0
Stamps, fees, and payments to Land Registry office	4	0	4
	£26	3	4

The costs under the statute would have been:—

Conveyance	£5	15	0
Mortgage	13	0	0
	£18	15	0

The above includes removal from registry. Instructions were on the 31st of March, 1883; registration completed on the 9th of July following. All the above four cases were removed from the registry because it was found to be a great cause of delay, trouble, and expense, with no corresponding advantage. A great part of the Queen's Park Estate (*tests* the above four cases) has been "taken off" the register because it was so troublesome and costly to deal with the property. The larger part, however, was in 1888 registered with an absolute title under the Act of 1875. Of this 1875 land about twenty acres were quite recently sold to the Corporation of Brighton, and now form a public park belonging to the town. It took six months to carry out that purchase, although, as above stated, I sold the whole thirty years ago (before it was registered), and completed the purchase under auction conditions in two months. The purchase-money paid by the corporation was £9,500, and the conveyancing costs of the corporation as purchasers came to about £175 (not including stamps), or two and a half times as much as the "scale" costs. I have in my possession a paper given to me by the solicitors for the Corporation of Brighton (a London firm) in the above purchase. It is too long to incorporate here, but it presents the most frightful case of conveyancing under difficulties I think I ever heard or read of. This Queen's Park Estate affords, I think, nearly ever kind of illustration of the system of land registration, for it has, I believe—1. Specimens of land registered under the Act of 1862, and so remaining; 2. Land removed from the register and remaining unregistered; and 3. Land registered under the Act of 1875. Of these No. 2 is much the most easy to deal with, as there is no registry office and no fees. I will now give a few further experiences of Queen's Park land under the Act of 1875, premising that they are only a selection.

1. A customer of a bank for which I am solicitor applied in January last for a loan of £500 on deposit of his land certificate (Queen's Park 1875 Title), and was, of course, told that a mere deposit would not suffice, but that he must give a charge in the registry office form, which would have to be registered, and there would be office fees and stamps to pay, and altogether a rather considerable expense. He at first gave up the idea of going on with the matter, but ultimately consulted his own solicitor, with the result that the latter undertook and carried through the matter in the shape of a regular mortgage charge in the registry form. The costs were £6 16s. 9d., paid to the customer's solicitor (including the Land Registry fees and stamps), and £1 1s. the bank's solicitor—total £7 17s. 9d. On the finish of the transaction, the customer's solicitor wrote: "As you are aware, I had a great deal of trouble over the matter. If the land had not been registered the only charge my client would have had to pay in the matter would be the 12s. 6d. stamp on charge, as he would have taken his deeds to the bank without the intervention of a solicitor." In reference to this remark of the customer's solicitor, I may say that if the banker had referred the deeds to me as the bank solicitor, as he probably would have done, my charge for report would have been £1 1s. On the payment off of this bank loan further registry fees will no doubt have to be paid, and some law costs, of which there are neither on the redemption of an ordinary deposit. It seems quite clear that registered land is practically useless for the ordinary purpose of deposit of deeds with bankers, solicitors, or others. I may possibly be referred to section 81 of the Act of 1875, but that section cannot be relied on, is practically useless, besides being in direct opposition to the principle of land registration as connected with secret or undisclosed charges.

2. The owner of a £75 Queen's Park plot (1875 title), brought to me his certificate of title when he sold to a client of mine. He had not employed a solicitor on his purchase, but he told me the cost out of pocket to him of the £75 purchase was £4 16s. 8d. No Brighton solicitor would have charged him such a sum in a non-registry case.

3. I have recently paid the following fees to the Land Registry office in Queen's Park 1875 cases: On registering a £600 mortgage, £2 17s.; £145 conveyance, £1 9s.; £290 conveyance, £2 6s. 6d.; £450 conveyance, £2 17s. 8d. In each case I had attendances at the Land Registry, and an addition ought to be made for travelling expenses. Of course these payments were in addition to my professional charges, whether by scale or otherwise—the time employed and trouble undergone being greater than in non-registry cases.

4. All the Queen's Park land certificates contain the following paragraph: "The land is subject, so far as it is affected thereby, to the exceptions, conditions, and provisions filed in this office (Inst. Book, vol. 37, p. 5)." On the first occasion of my dealing with an 1875 case, I required to refer to this book, and I had to pay 5s. search fee. I asked if I could have a copy of the record, and, after some doubt, hesitation, and conference of officials, I was told that I could have a copy on payment; but I did not take one, as I found, from my old connection with the estate, I knew all about it. Whether other purchasers or mortgagees make the search and pay the fees I know not, but, of course, they undertake an unknown responsibility if they shirk doing so. In a non-registry case the burden would for a time be fully disclosed on the abstract or conveyance, and when worn out by time or change of circumstance would disappear. On the register, it seems, it must remain for ever.

5. The purchase of £290 above referred to was completed by me in London a few weeks ago. On the same day I completed a purchase of £3,500, also in London. Both properties were situate in Brighton. The smaller case was much the more troublesome and dilatory, because it was a Queen's Park Registered Title Act, 1875. I need hardly say that there were fees in the small case, and none in the large one.

6. I recently advanced a small sum to a client on a mortgage on Queen's Park, 1875 registered land, and put in the charge the usual clause entitling a mortgagee solicitor to usual professional charges. This was ruthlessly struck out at the registry, and I was told that all special provisions required must be the subject of a separate unregistered deed, which, of course, would require a stamp. This meant two deeds and two stamps instead of one. Indeed, in very many cases of conveyances and mortgages under the registry, I can see that two deeds, one for registration and one not to be registered, will be necessary.

7. My very last experience of these small 1875 Queen's Park plots is as instructive as any. It is this. In the month of February last I completed the purchase of four plots in the name of a married woman having separate estate. There was, of course, all the usual extra trouble, delay, and expense, consequent on the property being on the register with an absolute title, but the purchase was duly completed in about a month. It might have been done in three days but for the registry. On the 1st of August last the husband of the lady informed me that he had sold one of the four plots, with a house built on it, to his brother for £450, who wished to have a loan of £100 on the property. He asked how soon the business could be completed. My reply was: "If the property were not on the register we could easily complete it to-morrow. As it is," I said, "I cannot tell how long it may take." I proceeded with the business as quickly as I could, without making special journeys to London. I had three attendances at the registry—one of them of nearly an hour's duration, and the others of about half an hour each. The way in which, during the attendances I have spoken of, one was bandied about from clerk to clerk, from room to room, ground floor to second floor, and from No. 34, Lincoln's Inn Fields, to No. 33, same Fields, and *vice versa*, was something bordering on the ludicrous, especially to one accustomed to do everything within the four walls of his private office. On one occasion I had to incur palpitation of the heart in mounting to the map room on the second floor three or four times, the search and other rooms being on the ground floor. The matter was not finally perfected until the receipt of the land certificate on the 28th of August. The fees paid on the conveyance were £2 17s. 8d. The trouble over the matter was tenfold what it would have been if the title had not been a registered one. The husband then applied to me for an advance of £300 upon mortgage of the remaining three plots. In a non-registry case this could have been done in a day, without troubling anyone; but, as it was, I could not fix any time for settling, and I had to let him have half the money on his and his wife's note of hand, and undertaking to execute a charge. I then obtained the printed form from the office, filled it up, got it executed by the lady, and had her duly identified and her signature verified by another practising solicitor. I then sent the form to London to be stamped, and on its return transmitted it with a map to the Registry by post, bespeaking at the same time a certificate of charge. I received by return a letter saying that I had used a wrong form, but they would make it suffice, and the fees were £1 7s. 6d. A cheque was sent for this amount by return of post. Eight days afterwards I received a letter asking if I wished the plan attached to the certificate of charge; if so, there would be more to pay. I replied that it was wished to have the plan, as ought to have been implied from my last letter. I then received the particulars of fees, and remitted the balance by return of post. The certificate of charge was not received for seventeen days from the time the charge and map were originally sent to

the office. When it was received I had to supplement it by a second deed, making the husband a joint debtor, which could not be done on the office form, as would have been done on an ordinary mortgage. It will be seen what time and trouble was spent on this little simple £300 mortgage, much to the disgust and annoyance of my client, and when it is paid off there will no doubt be more time, trouble, and fees. The case is a very practical illustration of the difference between mortgaging under the ordinary system and under a registry, the stamps used being alone more than double. I ought to say, in order that I may not be thought to complain of the office officials, that, being well known at the registry, I have met with due courtesy and attention from the clerks, and received all the assistance they can give in getting over difficulties. The faults are in the system itself and the officialism it necessarily involves. Over and over again have I had these words addressed to me in the land registry office: "You know, Mr. Howlett, that it is not necessary for you to attend here personally. We will always receive communications by post and answer them." I have adopted that suggestion partially in some cases, and entirely in this £300 case. The result has, however, I am bound to say, been the reverse of satisfactory.

8. I have found the identification of a vendor or mortgagor of Queen's Park plots, as required by the office, troublesome and expensive in small cases. The identification has to be made by a justice of the peace, a commissioner for oaths, a banker, or a practising solicitor, who has to certify that he is personally acquainted with the party, that he now resides, or formerly resided, at so and so, and that he is, to the best of the verifier's belief, the same person as named in the register under the title above referred to, and that he saw him that day sign (or he attended before him that day and acknowledged his signature to) the above document. If there is more than one signatory, a separate certificate is required for each. Now it constantly happens that the party signing does not know, and is not personally known, to a justice of the peace, or a commissioner for oaths, or a banker, and it frequently happens that he is acting without a solicitor and does not know one. I have myself, as a "practising solicitor," been required to identify three persons (not clients of mine) in one conveyance and give three certificates. I could only do so after making proper inquiries, and I had, of course, three charges to make. In ordinary conveyancing there is no trouble or expense about identification.

9. In practice I have found the time that passes between the lodging of a conveyance or charge and receiving the certificate of title or charge very annoying, as keeping the business open and unfinished after the money has actually passed and the business been in all other respects concluded.

10. I have found in these Queen's Park and in other cases maps and plans at the land registry office a source of considerable trouble, delay, and expense. On every conveyance with certificate of title two maps have to be made, and the office is very particular about alterations, however necessary. The rules direct that the maps shall be, or shall be prepared from, sheets of the ordnance map on the largest scale extant. But it is well known that the ordnance maps are frequently very incorrect and not up to date. In the Queen's Park cases the maps that have come before me are not ordnance maps at all. In the case of the Brighton Corporation purchase above mentioned, the trouble and expenses over maps were enormous. In the majority of cases that I have had to deal with the maps attached to the transfers or certificates are very imperfect and do not really identify the property.

11. In the Queen's Park cases under 1875 Act, I have had to deal with three cases of purchasers acting without a solicitor, both on the purchase and subsequent sale. One individual speculator bought about twenty plots, and resold in one or more plots, making a handsome profit, and never paying a lawyer a farthing. The result in these cases was by no means satisfactory, even to the parties themselves, the money saved from solicitors either going into other pockets or being much more than made up for or counterbalanced by the personal trouble and expenses of the parties, the consequences of mistakes made by them through ignorance, and generally the delays, difficulties, and troubles involved.

I have now done with Queen's Park. For over thirty years it has been worked as a registered property, side by side with thousands of unregistered properties in the same town. There are several very large estates in Brighton, representing a vast amount of money—*e.g.*, the Goldsmid estate, the Dickins estate, the Stanford estate, and the Vallance estate. These are all strictly settled estates, but they are all in the market, and sales are of almost daily occurrence, and are carried out without difficulty. The owners of these estates, so far from desiring to follow the example of Queen's Park, would rather regard that estate as a fearful warning. And I will go further and say that I believe that if it were possible to remove the 1875 cases from the registry, they would all be removed and scarcely a trace of registration be left in Queen's Park. I know that my clients as owners, and I as a mortgagee, would remove the properties in which we are concerned to-morrow if we could do so. I proceed now to cases outside Brighton. I hold for myself or clients three mortgages for together £21,000 on 135 freehold houses in Canning Town, West Ham, Essex. About forty-five of the houses are registered with indefeasible titles. In 1882 I completed the first of the mortgages, which was for £7,500 upon thirty-nine houses, all unregistered. There was no trouble and no delay. The mortgagor's solicitors (a London firm) and myself carried through the business promptly, pleasantly, and satisfactorily in every respect. In 1889 the mortgagor applied to me to advance him £3,500 upon thirty-one houses adjoining those already mortgaged to me. These turned out to be registered "indefeasible title" houses. I had ten times the trouble, difficulty and delay—notwithstanding all the aid the mortgagor's solicitors could give me—that I had in the £7,500 case, and when it came to the final settlement at the land registry office in Staple Inn (for we could not settle at the mortgagor's solicitors' office) there was a considerable scene over the fees and payments between the mortgagor's solicitors and the officials. When this was all over my mortgage deed had to be left in the office. I returned to Brighton without a line or a scrap to shew for my £3,500, and, notwithstanding the assistance of the mortgagor's solicitors, I was not able to have my mortgage deed for several weeks. I am not sure that it was not months. I told the mortgagor never again to present to me a security with an indefeasible title. However, about two years afterwards (in 1891) he offered me a security for £10,000, consisting of sixty-six freehold houses adjoining those in my two other securities. Of these it turned out that about one-fourth had an indefeasible title. I was inclined to decline the security, but gave way to the mortgagor's pressure. The whole of the houses were mortgaged by one deed, and the premises were shewn on an elaborate map, of which three-fourths (about) was coloured red and one-fourth blue, the former representing unregistered and the latter registered land. Again the trouble and delay over the smaller was ten times that connected with the greater, and, of course, there were considerable fees to pay. In neither of the two Essex registry cases can I see that the owner has derived any advantage whatever from his indefeasible title, but entirely the contrary, and he has expressed to me (he is not my client), in strong terms his disgust at the troubles, worries, delays, and expenses that he has undergone in connection with the land registry system. I finish my Essex experience with the following telling case:—The £3,500 mortgage above mentioned belonged to me personally. Two or three years ago I was desirous of transferring it to a friend who wanted such a security badly. I prepared a draft transfer in the short statutory form, about a folio in length, and, as a matter of precaution, took the draft to the registry office to make sure that it was not liable to official objection in point of form. I was told that it was all right, and if brought engrossed and stamped would be registered, but the office fees would be about £9 or £10. I declined to pay any such amount. The transfer has never been engrossed or signed, and as I told the officials at the time I considered that in this as in many other cases the land registry office proved a positive obstruction in the way of business.

The following three cases have recently occurred in the county of Sussex:—1890, February the 10th, purchase of £262 10s. then completed in the country, and document sent to country solicitors' London agent, for completion in the land registry. Seven weeks taken to complete the London part of the work. Land registration fees, £4 1s. 8d.; agents' charges, £1 18s. 4d.; together £6, or £1 more than the scale charge for the country solicitors' work. 1890, July 13th, purchase of £700 completed. Owing to a prior document of title not being registered, and a trifling discrepancy as to plan, registration occupied nearly eleven months. Completed the 3rd of June, 1891. Registry fees £5 15s. 7d. 1893, £250 purchase. A document of title had not been registered. The London solicitors who completed the registration wrote to their country correspondents:—"To get this last conveyance registered cost us, out of pocket, for attendance at the land registry over £9, which we could not charge our client. Our daily entries and disbursements were £23 odd, and we settled with our client for £14 as vendor's costs. One never knows what the officials at the land registry require." The following is a case from another county: A well-known Kentish solicitor, once a member of the council, wrote to the council in June, 1891, as follows:—"A client of my firm had the misfortune, some years ago, to purchase land in this county with a registered title. He is about to put some of it up for sale in small building lots. Of course a preliminary step was to take the land (the whole of it) off the register. After the display of as much red-tape officialism as could possibility be exhibited, the operation has at last been effected. The certified value of the land is £1,200. To my astonishment, a fee of £12 10s. has had to be paid. My agents inform me that this is under the order as to fees dated the 16th of January, 1889, which provides that the *ad valorem* scale for removing a title from the register is to be double that on registration. This arbitrary provision must be intended as a punishment of the individual who dares to free himself from the shackles of an inconvenient, costly, and practically worthless system. It is really difficult to believe that such a cruel injustice can be tolerated in this age of boasted reform."

The following five cases are extracted from communications I have received from local correspondents:—

1. "In November, 1892, I received instructions to negotiate a mortgage for £2,000, to be secured on certain houses forming portion of a large estate the title to which was registered under the provisions of the Land Transfer Act, 1875. The property intended to be dealt with was at the time subject to certain existing mortgages which had been called in. An insurance company, who already held a large mortgage on the estate, agreed to make the advance, to be secured by a first charge on the houses in question, and a further charge for the required sum on the property already comprised in their security. The matter was then placed in the hands of their solicitors, who at first agreed to take a transfer of the existing mortgages, but when they came to investigate the registered title they found it so intricate and complicated that they absolutely declined to advise their clients to proceed with the loan unless the old mortgages were altogether cleared off, and the properties in question transferred to a new registered number. In order to comply with their demands, it was ultimately arranged that a third party should purchase the property direct from the old mortgagees, and then execute a fresh mortgage in favour of the insurance company. Considerable difficulty was, however, experienced in carrying out this transaction, owing to the complicated state of the registered title, and very many journeys to London, and attendances at the Land Registry office, became necessary. Ultimately notices of cessation of the old charges were duly registered; the various houses were then transferred to the purchaser under new registered numbers, and it became possible to carry through the mortgage to the insurance company. Owing to the title being a registered one, what would otherwise have been a very simple and comparatively inexpensive transaction, and one which could have been carried through in a very short space of time, became exceedingly complicated, expensive, and laborious, and it was not until March, 1893, that I was able to finally complete the matter. The fees and stamps payable at the Land Registry office

came to a large sum, and, owing to the statutory form of charge provided by the Land Transfer Act, 1875, not containing any covenant by the borrowers for payment of principal and interest, additional documents had to be prepared, causing further expense. Altogether the costs in connection with the matter amounted to close upon £150."

2. "I have no hesitation in saying, that had the title not been registered, two-thirds of the costs would have been saved, and the matter would have been carried through in about six weeks, instead of taking nearly five months."

Note.—No. 2 is not the same case as No. 1.

3. "The purchaser complained very much that, though the transfer was left at the registry on the 21st of February, the certificate was not issued till the 4th of March, notwithstanding that the matter was extremely simple."

4. "On a recent advance of several thousand pounds on mortgage of property in the occupation of the mortgagor, registered under two separate titles, we were not permitted to insert an attornment of tenancy and other clauses which we should have required in an ordinary mortgage. No forms were available in the registry for including more than one property in the same charge, and we had to take two charges each, separately acknowledging the receipt of the full consideration; and then, in order to correct this misstatement, had to obtain from the mortgagee a separate memorandum acknowledging that the consideration for the two charges was one identical sum. The inconvenience of having the contract between the parties partly stated on the register and partly evidenced by an independent agreement is apparent."

5. "We have now a case of land and houses at Guildford, which are on the registry, worth about £350, and in order to register the present owner, who takes under the will of the late registered proprietor, we have to prepare and file five documents (one of them in duplicate), and what the Land Registry fees will be we are unable to say."

I here conclude my specimen cases, and return to the Lord Chancellor. The question raised by his letter is, What difference would local registries make in such cases as this paper deals with? Would the troubles, delays, and expenses disappear to such an extent as to make registration palatable to owners and practitioners? Something would, of course, depend on the number and localities of the local offices. A local registry at Brighton for, say, the parliamentary borough of Brighton alone would, as far as concerns owners or purchasers of land or dealers therein and their solicitors all being resident in Brighton or its vicinity, probably leave much less to complain of on the score of delay than now exists. But how would owners, purchasers, dealers, and solicitors connected with Brighton land, but resident in London or any part of the county of Sussex outside Brighton or any other part of England, be affected? Might they not be worse off than with a London registry? Then, if one registry were established for the whole county of Sussex, and Brighton, as the largest and most centrally situated town in the county, were selected for the office, would not Londoners and Sussex people other than Brightonians find themselves equally injured? Would not like difficulties arise even if registries were to be brought into, say, every town of 10,000 inhabitants or upwards? Something must also depend upon the fees and charges to be paid in the local registries. If they are to be made self-maintaining, the fees would most likely have to be much higher than they are now in the London registry. The whole thing is too much *in nubibus* to give the definite statement the Lord Chancellor asks for. In any case there would always be the burden and interference of a public office. The Lord Chancellor, in reply to the deputation of solicitors which waited on him last April, referred to this society's recently published paper on Officialism. He said that the objections therein disclosed, with many of which he agreed, could not apply to the Land Registry. Had it been allowable to a member of that deputation to reply on his lordship's reply, I should most strongly have controverted this idea, and said that I had never seen officialism more rampant and mischievous than in land registration offices. In 1875 I wrote as follows:—"Those who are practically engaged in business know that there is no greater source of delay, expense, uncertainty, and difficulty than in dealing with a public office. In conveyancing this is especially so, and from the old-fashioned Middlesex and Yorkshire Registries down to the modern Irish Incumbered Estate Court and the Lincoln's-inn Land Registry, public offices have formed a fertile source of delay, difficulty, and expense. The officialism, red-tapeism, and routine necessarily attendant upon a public office constantly double the delay and cost of a transaction. Moreover, a public office prevents the free action of parties, makes them dependent on those over whom they have no control, and subjects them to rules and regulations they do not understand and cannot see the benefit of. The moment a public officer—with his forms and ceremonies, his ignorance of the facts of the case, his want of local knowledge, his necessary adherence to inflexible rules and forms, his officelike bearing and habits, his short hours and public holidays, his numerous cases all calling for attention at the same time—is interposed between man dealing with man, a sure and certain obstacle to the ready and easy transaction of business is created." Eighteen years have elapsed since I read those words to the Social Science Congress at Brighton. The experience of those years is entirely confirmatory, and therein seems to me to lie as practical a reply to the Lord Chancellor as, under the circumstances, can be given.

Mr. W. J. Humphrys read a paper entitled "Land Transfer under a System of Compulsory Registration: Some Experiences of American Conveyancing," as follows:—

It is now more than thirty years since the first Act was passed to establish a General Registry of the Title to Landed Estates. That measure was introduced into and carried through the House of Lords by Lord Westbury, and its preamble declares its object to have been to "give certainty to the title to real estates, and to facilitate the proof thereof, and also to render the dealing with land more simple and economical." Had these anticipations been realised, it would not have been long before the title to a very large part of the land in England was placed on the register, but we all know that the experience of the Act was such as not only to render it a dead letter, but to induce some of the few persons who had made use of the registry to take their titles off the register. Some few years later Lord Selborne, then Lord Chancellor, introduced into the House of Lords an amending Bill, and in 1874, after the change of ministry, a measure on similar lines was brought in by Lord Cairns. Both these Bills contained provisions intended to have the effect of compelling the registration of title on all future dealings with real property. Many of us will recollect the opposition to these compulsory clauses so successfully conducted by this society in conjunction with the country law societies, an opposition which resulted in the measure of 1875 becoming law *without* those compulsory clauses. That Act, like its predecessor, remained almost a dead letter. The expense and difficulty of registration, and the delay and cost that attended all dealings with registered land, were a natural explanation of the failure of the Act, but the officials of the Land Registry never abandoned the hope of carrying into law some scheme compelling registration, and their wishes gave rise to the Bills introduced by Lord Halsbury when Lord Chancellor, the fate of which is familiar to most of us; while Lord Herschell, who brought before Parliament this session a measure less mischievous, probably, than those for which Lord Halsbury was responsible, but one which embodied the fatal vice of compulsion, was induced by the representations made and evidence furnished to him by the law societies to delay the progress of his Bill for several weeks; and let us hope that he may yet be prevailed on to abandon the attempt to deprive landowners of the much-valued right, which their predecessors have enjoyed for centuries, of dealing with their property without official interference. But the object of this paper is not to discuss the question of land transfer or registration of title, but to bring under the notice of the profession some experiences of dealings with registered land in America. The stock argument of the promoters of a scheme of compulsory registration of title is that such a system is in general use in various parts of the world, and has tended to greatly simplify conveyancing, and to render the transfer of land less expensive and more rapid than in England. The pamphlet entitled "Observations on the Land Transfer Bill, 1893," published by the Council of the Incorporated Law Society, and, with its appendices, subsequently included in the annual report, embodies a mass of information as to the cost of dealings with land in England under the present method of conveyancing. The following narrative will illustrate in some small measure the consequences of a system of compulsory registration of titles. About nine years ago a joint stock company for which I was acting had occasion to purchase a farm in the State of Iowa. It was a little over a thousand acres in extent, and the purchase-money between forty and fifty thousand dollars, or about £9,000. The difficulties of negotiation were at an end before the matter came to me. The vendor was a person interested in the company; indeed, the relations between the vendor and the company were such that a large part of the purchase-money was paid in anticipation of the final completion of the purchase, and the company were let into possession. But it was then that my difficulties commenced. The American lawyer wrote me very shortly after he was first instructed that from his investigation of the title he could advise the payment of the greater portion of the purchase-money forthwith; but, he added, there were several objections, commonly termed clouds, affecting the title to various parts of the estate. These objections arose from the absence of proper releases of certain registered incumbrances, and from irregularities in the enrolment of various instruments evidencing dealings with the property. I propose to explain the nature of some of these further on, but I may say here that I was told they would render necessary applications to the local courts, and the letter which gave me this information, and which was written in August, stated that probably the decree necessary to get rid of these mattters would not be complete before November. November came and went, and still the title was incomplete. The company wanted to issue debentures to be secured by a charge on its American land, but were unable to do so owing to the state of the title, and, in spite of all kinds of pressure by letter and cablegram, it was not until the 19th of the following May that I heard by cable that the matter was at last complete, and in the following July I received a portentous document bearing the description, "Abstract of the Chain of Title," and I own that a perusal of it removed whatever surprise I had felt at the delay. Many of the difficulties we are accustomed to contend with when dealing with real estate in this country were entirely absent. There were no questions as to boundaries, or identity, or easements, or matters of that kind. The whole district had been surveyed and mapped and divided into sections, each section containing 640 acres, or a square mile, and the parcels were merely references to these sections, as "The north-west quarter of section 13, township 75, range 24," or "The south-east quarter of the south-west quarter of section 14," &c. What may be the practice when dealing with small quantities of land, less in extent than forty acres—that is, a quarter of a quarter of a section—I do not know, but at all events, there was nothing of the kind in the case I am referring to. Again, this system of registration was well established, but not obsolete. It had been in existence in the district for, I think, something over twenty years, and I was given to understand it was very similar to the systems in use in other States. It was never suggested that the practice under it needed reform, or that the difficulties and delay I encountered were due to any imperfections in the law capable of amendment. The clouds on the title—this is the term by which charges, incumbrances, and outstanding interests are known in the district—were so numerous and apparently so much dreaded that no less than 147 instruments were referred to in the abstract, number 148 being a kind of explanatory chart, divided

into a number of squares, and which reminded me somewhat of the Mappa Mundi, or some of the wonderful charts of the early Middle Ages. In place of the river, which in those early charts was represented as rising suddenly in the Garden of Eden, and flowing in sundry streams over a large part of the earth, three red lines, described in the margin of the plan as "crooked circular lines," spring from a common source, and meander over many of the squares, with a view to illustrate the title of the descendants of one Coles to certain portions of the estate. On turning to the abstract of Coles' interests, it appears that Isaac Coles, who died in 1853, by his will left all his property to his executor, in trust for sale and for division of the proceeds among his children. Proceedings in the nature of a partition action were commenced by one of the testator's children against the others, and ultimately a partition appears to have been decreed, the surviving children electing to take the property as realty. In 1867 one of these children, David, having died, another partition action was set on foot between his widow and children, the widow claiming to have a portion of the land set apart as her dower, and in the result David Coles' share of the estate was allotted between his widow and his two daughters, and their interests were made the subject of all kinds of proceedings, some in the nature of a partition action, some of an administration action, and some I confess I do not understand; but meanwhile sales and mortgages were being effected, and the instruments evidencing such dealings—or at least some of them—were registered. Contemporaneously with these transactions affecting the lands allotted to David Coles, similar proceedings were in progress with reference to the portion of the property belonging to the original testator, Isaac Coles, which had been allotted to another son, Joshua. This Joshua died in 1864, and a partition action was instituted to obtain the assistance of the court in disposing of his property. An order made in 1865 directing partition among five relatives of Joshua Coles was followed by another order in 1867 stating that partition could not be had, and ordering a sale, and this was supplemented by a series of orders and deeds to carry out the sales thus directed. Whether all these orders and other instruments were registered when they were made, or whether they remained unregistered until the title was properly investigated, is not clear, but anyhow the result was confusion and difficulty worthy of the worst days of English conveyancing; and, indeed, such was the state of the title that it needed the wonderful chart I have alluded to to render it intelligible. But the curious point is, that with this system of complete registration the difficulties occasioned by these dealings with the property had to be got rid of some fifteen or twenty years after they arose, and were supposed to have been disposed of. Among the various other instruments referred to in the abstract are some that are especially instructive; they are conveyances executed to give effect to contracts for sale, on which possession had been taken and the purchase-money paid, with the result, in one case at all events, that the purchaser had to go to the court to get a title. It would seem to be by no means an uncommon practice to rely on unregistered assurances of some sort, although this neglect of registration would appear frequently to lead to trouble and expense. Notwithstanding all the elaborate routine that appears to have been practised in connection with the registration of titles, mistakes were not unknown. An entry of a mortgage bears the note:—"This mortgage evidently a mistake, as said Waugh (the mortgagor) never had any interest in this land." The registrar, however, sometimes relieved the monotony of the records by entries of a humorous nature, as he disposes of one person by the statement that "prior to his marriage he was accidentally drowned, leaving no issue," and a purchaser of the interest of this drowned owner from his brothers and sisters was registered as entitled to his property. It is not easy, without some practical knowledge of the working of the system, to understand the reasons for some of the references in the abstract to different instruments. For instance, there is a schedule of about thirty mortgages, "cancelled of record," and so far as I can form any judgment from the entries, the register was not properly cleared of these incumbrances prior to the investigation of the title on my clients' purchase. One, as I have already remarked, is referred to as having been entered by mistake, another has a note opposite it in red ink that it was "paid but not cancelled of record," while against others are written the somewhat cabalistic words, "Release Mtg. No. —." Whatever may have been the meaning of all such notes and entries, this is certainly beyond question. A title to a property worth about £9,000 was reported in August to be in such a condition as to justify the purchasers in paying nearly all the purchase-money, yet so enveloped was it in clouds that it took more than nine months to free it from this nebulous garment, and to get it into a state in which it could be offered to mortgagees. As regards the expense of the conveyance, we paid our American adviser about £180 as his charges. I don't recollect the exact details of the costs, but a considerable sum was accounted for by an item tersely entered, "Removing clouds." Later on a small addition was made to the farm, the price paid on this occasion being about five thousand dollars, or £1,000, and in respect of this purchase £28 was debited for "Removing clouds," besides some other charges. I do not think that complications such as I have described are altogether unusual in the titles to American land. A few years ago I advanced a few thousand dollars on mortgage of some land in one of the Western States, and I received no less than three documents executed to secure the amount. The first was a bond conditioned for payment of principal and interest; the second the mortgage duly registered; and the third a document containing a kind of warranty of title. A still more curious piece of information was afforded by a letter from the gentleman who arranged the loan, stating that they had examined the title and found it safe, and adding, "We do not send the abstract of title because it is voluminous and heavy"; but they promised to place it in a fire-proof vault where it could be referred to at any time. If time permitted I could add some anecdotes of a more or less amusing character to illustrate the precautions taken by the American registrars to prevent fraud, and some of which strike me as insuring a maximum of trouble with a minimum of security, but I hope the experiences I have endeavoured to bring under the notice of the profession may be not altogether without interest at the present time. Lest my description of "The Abstract of the Chain of Title" should be supposed to be coloured or exaggerated, I have brought the abstract with me, so that any member of the society may examine it and test the accuracy of the extracts I have made. Comment seems to me out of place. If such things are done in a green tree, what will be done in a dry? If such expense and delay is caused by a system of compulsory registration in a new country, where entails and all the various interests that spring from a habit of settling land are unknown, where tenures and the various incidents of tenure have never been heard of, where no complications arise from the existence of rights of common or ancient privilege, or of easements, such as those of way, or of water, of air, or of light, what would be the results to English landowners of the compulsory registration of all the numerous dealings with real property that the state of our law and the habits of generations necessitate? The profession, no doubt, would suffer, but its losses would be trifling compared with those of the owners of land, especially the small proprietors; and I venture to say that it would be difficult to frame any measure more calculated to hamper the acquisition of small freeholds by thrifty labourers, and the creation of a peasant proprietary, than an Act which would prevent any dealing with land, whether by sale, mortgage, or otherwise, except under the control of a public official and subject to a tax in the shape of the fees of a public office.

After an adjournment for lunch,

Mr. B. G. Lake (London) read a paper entitled "The Land Transfer Bill, 1893," as follows:—

[The following are the references in this paper:—

Observations.—Observations (Revised) on the Land Transfer Bill, 1893, as introduced into the House of Lords. (Spottiswoode & Co.)

Notes.—Notes issued by the Land Registry on the Observations. (Her Majesty's Stationery Office.)

Instructions.—General Instructions as to Registration and Transfer of Land under the Land Transfer Act, 1875; with the Act, Rules, and Orders, Fees, and a General Index. (Her Majesty's Stationery Office.)

Brickdale.—Registration of Title to Land, and how to establish it without cost or compulsion, by C. F. Brickdale. (Stanford: 1886.)

A'Beckett.—Introduction and Notes to the Transfer of Land Statute, by Thomas A'Beckett, Esq., of Lincoln's-inn, Barrister-at-Law. Second Edition. (Maxwell: Melbourne and Sydney.)]

This measure, which has without opposition and with but little discussion passed the House of Lords (scarcely any of the members of which are likely to be in any way affected by its provisions), awaits its second reading in the House of Commons, and is apparently to be passed, if possible, during the Autumn Session. This society (in conjunction with the provincial law societies and the general body of the profession) oppose the compulsory clauses, and urge that before the system of registration of title established by the Act of 1875 is made compulsory, there should be a full inquiry, by means of a Royal Commission or a Select Committee with power to take evidence, into the working of that system—its advantages and disadvantages, and the reasons for its failure up to the present time. Why is this opposition so determined? In the first place, the opposition is not to registration of title as a system. A system of registration of title may, perhaps, be devised which will present great advantages, and can be made sufficiently flexible and convenient to suit the requirements of landowners and the public. But the system of the Act of 1875 (in which I and others at one time believed) proves to be dangerous and defective; and any system to be successful and workable must be framed with some regard to the practice and experience of solicitors, who more than any class are practically conversant with the manner in which land in England is dealt with, the desires and needs of landowners in reference to it, and the frequent complications and difficulties which must be provided for and faced. Nor is the opposition based on the possible consequences to solicitors. It is very natural this should be assumed to be its basis. Members of Parliament think, and often say, "This Bill would make lawyers less indispensable than they are at present, and so diminish their profits. Hence they object to it." No doubt many solicitors fear that this will or may be eventually the result of any measure of compulsory registration of title; but I greatly doubt the soundness of their belief in this respect. Even if it were true, it would be a wholly insufficient ground for opposing the Bill; nor is it a ground which any legislative body could take into serious consideration. Free trade was ruinous in its consequences to farmers and landowners; but, though the probability of this result was strongly urged by those who opposed that measure, it was passed into law. But solicitors who so fear may be reminded that, if by registration of title or any other means dealings in land are cheapened, they will certainly be greatly multiplied, and that a reduced profit on one transaction will be more than compensated if ten such transactions are the result. In any case solicitors exist for the public—not the public for solicitors; and in the long run whatever is beneficial for the public is beneficial for those who transact the business of the public. There is certainly a danger that some of the business which is now exclusively transacted by solicitors may fall into the hands of unqualified persons, to the great damage of those who employ them. But it may well be doubted whether this will be so to any considerable extent, and solicitors who have been specially trained to the business of conveyancing, and who are necessarily employed in trust and other matters of business, ought to be able to hold their own, even under the stress of a possibly unfair competition. In any case, and whatever may be the result, it is our clear duty, as it is also our interest, if the Land Transfer Bill as a compulsory measure become law, to facilitate its working and to shew our clients that

we will gladly assist them to realize the advantages which such a measure is intended to confer. Equally is it our duty now to point out as clearly as possible why we think the system established by the Act of 1875 defective and dangerous, and why we believe that, if the Bill is passed in its present form, the intended advantages will not be realized. I do not propose to speak here of the objections to compulsion under any circumstances. Compulsion is *primâ facie* wrong. "No system really beneficial to landowners would require to be forced upon them" (Brickdale, p. 50). It may, however, be well to point out that the Australian system, to which the advocates of the Act of 1875 so often refer, is not compulsory, except in respect of land alienated by the Crown since the 1st of October, 1862; as to all other land the ordinary system of conveyancing remains in force unless the owner voluntarily brings it under the Act (A'Beckett, p. 5). All the objections stated in this paper apply not only to registration with an absolute title, which is optional, but equally to registration with a possessory title, which the Bill proposes to make compulsory. It cannot be too strongly pointed out that, so far as the register is concerned, all registered titles are alike, and are in all dealings after first registration dealt with in the same manner, liable to the same fees, and subject to the same risks and inconveniences. The only difference between a title originally registered as possessory and one originally registered as absolute is, that the former is, while the latter is not, liable to any claim or defect existing at the date of first registration. This disposes of the argument so often used by the advocates of the Bill that the measure is harmless, that the only compulsion will be to register with a possessory title, which involves a comparatively small fee (varying from a minimum of 2s. 6d to a maximum of £29 10s.); the cost of a map or plan, for which the Ordnance Survey can be used; and a declaration of a possessory title (2s. 7d., including the form), and that to this there can be no objection. Such a registration (which can be effected without production of any deed or evidence of title beyond the statutory declaration of the applicant (Instructions, pp 3 and 5) adds nothing to the title of the first registering proprietor, who may have had no title at all, or have been only a life tenant, or a leaseholder, or any other limited owner. But once on the register, the registered proprietor with a possessory title becomes subject to all the inconveniences and dangers incident to the system as fully as if he had been registered with an absolute title. Nor can he ever escape, for there is no power to remove land from the register. He has lost the power to deal with his land as he pleases, and can only do so in accordance with official rules, by means of official hands, and during official hours. A marriage settlement, a change of ownership on death, a temporary loan from bankers, the settlement of a boundary by a give-and-take line, every one of the many dealings and arrangements which under the present system of conveyancing are carried out rapidly and privately, must be the subject of a visit or visits to the registry and the payment of official fees. It must be borne in mind that, as on first registration with a possessory title there is, as has been pointed out, no investigation at the Land Registry, every subsequent purchase or other dealing with the registered land must be preceded by the usual investigation by the purchaser's solicitor, and the cost of registration, whatever its amount, is an additional expense. Why should this be made compulsory, unless it be because no purchaser would voluntarily accept a system fraught with so much inconvenience and danger? For in addition to the inconveniences already referred to, a registered proprietor with whatever title will become subject to special dangers, some of which are inherent in the system while others could be remedied, more or less completely, by rules.

1. The system shifts the danger of loss arising from forgery, fraud, or mistake from the person deceived thereby to the true owner of the land affected.
2. The system of compensation proposed by the Bill is limited to a class and inadequate in amount.
3. The system will probably make it impossible to borrow money from bankers or others on equitable mortgage, and will unquestionably render such an operation dilatory and expensive.
4. The register, though nominally private, will certainly become public.
5. The registration of title, if made compulsory, may, and not improbably will, be worked as a source of revenue to the country—as the Post Office is.

Of these objections, the second can be remedied by amendments in the Bill; the first and third are inherent in the system established by the Act of 1875. The fourth and fifth apply to any system of compulsory registration of title.

1. The System shifts the Danger of Loss arising from Forgery, Fraud, or Mistake from the Person deceived thereby to the true Owner of the Land affected.

Under the existing system of conveyancing, a landowner who is in possession of his conveyance and deeds may rest perfectly secure that nothing but his own act can prejudice his title to his land. A man may, by forged deed or by personation, purport to convey or mortgage that land to another —and such frauds have occasionally taken place, and are in fact urged as a reason for a land registry. But they do not affect the title of the true owner; the land does not pass under the forged deed, nor is it charged by the forged mortgage. The loss falls wholly on the unfortunate man who has been deceived by the forged instrument and who has no remedy against or claim upon the true owner. But if the land have been placed on the register, whether with a possessory or an absolute title, the case is very different. The landowner has then ceased to be an owner, and has become a registered proprietor; he has placed the control of his land out of his own hands. It is not his act, but the act of the registrar which affects the land; and if by forgery, personation, or mistake the registrar has been induced to transfer the land into the name of a third and innocent person as a purchaser, or to register a charge in favour of such a person as mortgagee, the title to the land has changed—the unsuspecting proprietor has ceased to be proprietor at all—and the person now on the register can, and probably will, obtain a certificate that he is the proprietor with an absolute or possessory title as the case may be (for the danger depends on the fact of registration, not on the character of the title conferred), and can sell or deal with the land accordingly. An analogous result will follow in the case of a mortgage; but it is simpler to deal with the case as if it were an absolute transfer. It is true that the Bill proposes to give the registrar power "under special circumstances" to order that the land be restored to the true owner, and that compensation be paid to the registered proprietor. But is the registrar likely to exercise this power? No doubt he would do so if the person guilty of the forgery or personation were himself the registered proprietor, but this would seldom or never be the case. If the registrar were to disregard the register and displace an innocent and registered proprietor, possibly after one or more dealings since the sale by the forger or personator, it would follow that no one could safely accept the register as conclusive, and that any proprietor seeking to deal with his land would have to shew the antecedent title lest some link should turn out to be forged. Rather than introduce this element of uncertainty, and destroy the chief benefit claimed for the system, the registrar would be disposed to deplore the liability of all human institutions to error, and refer the dispossessed but true owner to the insurance fund. This brings us to the second objection.

2. The System of Compensation is limited to a Class and inadequate in Amount.

Apart from the meagre consolation which money would afford to a landowner deprived without any fault of his own of a favourite estate, those claim to compensation is strictly limited: 1st to a class—namely, those who have paid an insurance fee; and second in amount—namely, as a maximum, the capital value of the land as last ascertained for the purpose of the insurance fee. If the land have been registered, whether with an absolute or possessory title, before the 1st of January, 1894 (the date when the Bill, if it become an Act, is to come into operation), the registered proprietor will have paid no insurance fee; the capital value of the land will therefore not have been ascertained for the purpose of that fee, and he will have no claim whatever to compensation. His land may without any negligence or fault on his part have passed irretrievably into the hands of a third person, but he will be wholly without redress At least such a proprietor will voluntarily, though probably unknowingly, have run into danger, for he need not have registered his land But after the passing of the Bill a purchaser of land within the prescribed district has no option. He *must* register his land, and must do so with not less than a possessory title. It may be assumed that in the vast majority of cases the registration will be with a possessory title only. On such a registration no insurance fee is payable, no value will be ascertained for that purpose, and no claim to compensation will exist. The unfortunate landowner is to be compelled to give up the position of perfect safety which he at present enjoys, and to accept one of considerable, or at least of some, danger; and having once been forced into it, can never escape, for under the Act of 1875 land once placed on the register cannot be removed. It may be said that the risk of forgery or personation is not very great, and under the present system, which involves inquiry and the execution of documents which must be prepared by a solicitor and officer of the court, this is the case. But they do occur, and the cases of Dimsdale and Roupell are prominent instances. The risk in dealing with the Land Registry will be much greater and will increase in proportion to the greater rapidity and simplicity with which, as its advocates claim, such dealings can be carried out. Let the forger once get the confidence of his victim, a visit to the Registry without the intervention of any solicitor will do the rest, and before time has been allowed for inconvenient inquiries the land will have changed hands, and irremediable wrong have been wrought.

3. The System will probably make it impossible to borrow Money from Bankers or others on Equitable Mortgage, and will certainly render such an Operation Dilatory and Expensive.

In face of the considerable danger from forgery against which it is impossible to obtain protection, bankers will very probably refuse to lend on registered land at all, since the mere possession of a certificate will afford "very little security" (Instructions, p. 13) But if they do, the conditions of the arrangement will be very different from what they are at present. A borrower goes to his bankers, takes with him his title deeds, and without the intervention of a lawyer, or any expenses beyond the Government stamp, obtains an advance on the same or the following day. In due course he repays the loan, takes away his deeds, and the transaction is closed. No one except the borrower and the banker need know anything about it. As the *Times*, in a leading article (September 16, 1893), says: "It is difficult to conceive any system under which there could be greater economy or despatch than that which permits the lending of large sums by bankers and others on the mere deposit of title deeds." But the borrower before another application registers his land with an absolute title (I assume this as being the highest title he can get), and goes with a gay air to his bankers to deposit his land certificate as security for a similar advance. He anticipates no trouble, and congratulates himself on having got rid of all his musty parchments and having his title on a sheet of paper. But he finds that he is mistaken. The banker tells him that his certificate proves nothing except that on the day of its date he was registered as the proprietor, and that the register must be searched to ascertain whether he remains so. This will involve a fee, possibly travelling expenses, and certainly time. However, it is done, and the borrower hopes he has now simply to leave with the banker his land cer-

tificate, as he had previously done his title deeds. But the banker must for his own protection lodge a caution with the registrar so as to prevent, as far as possible, any adverse dealing with the land; and, as the Land Registry does not like any arrangements not carried out through the office, therefore "to discourage the practice as far as possible it is provided that a caution or restriction to protect a transaction capable of registration shall pay the same fee as the registration of the transaction itself" (Instructions, p. 14). It is true that a fee of £1 and no *ad valorem* fee is chargeable on the registration of a caution containing a proviso that it shall cease to operate at the end of a year or less from the date of its registration; but no banker or other lender would be likely to accept so transitory a security; and if he should do so, and a renewal of the caution become necessary, the full *ad valorem* fee is to be paid. The officials of the Land Registry do not deny the difficulty, and as a reply state that such a transaction (as the deposit of title deeds with bankers) may be protected by means of an inhibiting order (the fee for which is £1), to be made summarily by the registrar on the owners' and the bankers' applications (Notes, p. 2). But the reply is extremely disingenuous, if not intentionally misleading; for the official Instructions (p. 13) expressly recommend a caution or restriction, and discourage the use of an inhibition.

"An equitable charge can be made by the deposit of a freehold land certificate or office copy registered lease, but, as its production is not required on transfers, the mere deposit is very little security unless protected by a caution or restriction." "An inhibition is very rarely resorted to, as it is in the nature of an injunction, and would only be issued in very special circumstances."

Nor is this instruction to be wondered at, since an inhibition is to be granted (Act of 1875, section 57) "after directing such inquiries (if any) to be made and notices to be given, and hearing such persons as the court or registrar thinks expedient," and (Rule 17 of 1875) every application for an inhibition "shall be supported by a declaration of the applicant or his solicitor stating the grounds of the application and referring to the evidence in support thereof. An appointment shall be then made for hearing the same and for production of the evidence in support thereof." This simple, speedy, and inexpensive mode of protecting an equitable mortgage by means of an action and order of court or a registrar is eminently calculated to attract bankers and others in the habit of making temporary advances! The officials of the Land Registry (Notes, p. 3) thus deal with the difficulty raised (which is supported by a letter from the manager of one of the largest joint-stock banks (Observations, p. 23):

"It is evident that the letter here quoted is written without any precise information as to the facts regarding temporary mortgages of registered property. Ample evidence of the ease and frequency with which these loans are effected in Australia under the Torrens' Acts is available. Also English bankers know how readily advances can be made on all kinds of stocks and shares, notwithstanding the registers that are kept of those securities."

It is unfortunate that in this, as throughout the Notes, the Land Registry officials rely on assertion without proof. Some evidence of mortgages by deposit of the land certificate under the Torrens' Acts would be very desirable. Speaking to a large Australian merchant a few days ago, he assured me that advances on deposit of the land certificate were almost unknown, and that the banks refused to make any advance except against a formal and duly registered mortgage. In any case the anology is wholly non-existent, because under the Australian system the registered proprietor is relieved from the consequences of fraud (A'Beckett, pp. 21 and 106), and no dealing with registered land can take place without production of the certificate, except by leave of the registrar or court, and after public advertisement (A'Beckett, pp. 124 and 186). The suggested analogy to dealings with stocks and shares is quite as disingenuous, and shews how closely any official statement must be watched and tested. The risk of any loss by forgery is, in the case of stocks and shares, as of land, thrown on the person deceived and not on the true owner; and an alteration in the stock register procured by forgery or fraud will not prejudice the true owner. Moreover, no transfer of stocks or shares can, except after much inquiry and on proper indemnity, be made without production and delivery of the stock certificate, whereas "a land certificate is not required to be produced or altered on dealings," and "as its production is not required on transfers, the mere deposit is very little security" (Instructions, p. 13).

4. The Register, though nominally Private, will certainly become Public.

Such has been the result in Australia (A'Beckett, p. 22), and in the case of every other system of registration of title, and would certainly be the result in this country. It would be urged that it was for the public interest that the exact position of a landowner should be known—that ready access to the register would greatly assist the promoters of railways and other public works in the preparation of the necessary books of reference, &c., and very soon the register would be thrown open to trade protection societies and others, as is the case with the register of bills of sale, of judgments and of deeds in Middlesex. Nothing more is required than a rule made by the Lord Chancellor (that is, the Government of the day) (Act of 1875, s. 111); and though rules are to be laid before Parliament within three weeks after they are made, if Parliament be then sitting, or if Parliament be not sitting, within three weeks after the beginning of the then next session, no penalty is provided for non-observance of this direction; the validity of the rule does not depend upon it, and even if it were observed, six or seven months might well elapse before Parliament had any opportunity to take action. Even if the register remained nominally private, the district registries must, if the system is to be extensively worked, be very numerous and embrace comparatively small areas, with the result that the names of all landowners will be known to the officials, and all dealings be matter for comment and gossip. For, if the district registries are few and their areas extensive, great inconvenience must be caused to all landowners not resident in the immediate neighbourhood of the registry.

5. Registration of Title, if made compulsory, will probably be worked as a Source of Revenue.

This objection may at first sight seem overstrained, and it may doubtless be said that no Goverment would attempt to raise additional revenue by what would amount to a tax upon landowners, small as well as large, especially as the tax would fall most hardly on landowners who dealt most frequently with their land, and would not affect at all large landowners who did not deal with their estates by sale. But it is dangerous to trust to an *à priori* argument, and is better to look at facts. The system of the Land Registry is at present voluntary; the officials must, therefore, rely for business on making the system attractive, cheap, and convenient. The fee rules, originally fixed in 1875, have been but once revised—viz., in 1889—and we find a general increase in all fees. As a specimen I may point out that the fee on registration of a mortgage for £1,000 was increased from 2s. 6d. to £3, and on registration of a mortgage for £100,000 from £5 1s. 6d. to £59! (Observations, p. 42). As the *Times*, in the leading article already quoted (16th of September, 1893), says: "They (that is, the fees) were raised a few years ago, and the temptation to a Chancellor of the Exchequer, especially if the office did not pay its way, to increase them might some day be too strong. He would be confident that he would have the assent, whatever burdens he imposed, of people to whom it would be enough to know that a landowner was to be taxed." Apart from these objections, which go to the principle of the proposed legislation, it can readily be shewn that the Land Registry as at present conducted is and must be dilatory, wanting in flexibility, and—especially in the case of small properties—expensive; while the benefit, whatever it may prove to be, of registration with a possessory title will not, under any circumstances, be felt for certainly twelve, and probably twenty, years—that is, not until the time when the date of registration, or of the conveyance (if any) on which it is based, can be made the root of title. But these points are fully dealt with in the Observations which are in the hands of every one of our members, and to which I refer. With regard to the instances of delay, the officials at the Land Registry content themselves with the unsupported assertion that "there is no doubt that, if each case was fully gone into, the delay would be found to rest with the applicant, and that the nature of the title fully justified the proceedings of the office" (Notes, p. 3). In the leaflet issued by the Land Registry, and dated September, 1893, in support of the Bill, no attempt is made to dispute or deal with the first and second of the objections advanced in this paper. Indeed, Mr. Brickdale, the Acting Assistant-Registrar, in a letter published in the *Times* of the 7th of September, 1893, does not deny that a registered proprietor may by forgery be dispossessed of his estate, and yet have no claim whatever for compensation; in other words, that, if the Bill become law, a landowner will be compelled to subject himself to a danger from which he is now exempt, and that in many cases without any remedy or indemnity. Reliance is placed on the systems of registration of title in Australia, in Prussia, in Austria-Hungary, and in Switzerland; but it is not explained that not one of these systems is in the least degree analogous to the one established in this country in 1875, and that in no country in the world except in England is such a thing known as registration with a merely possessory or qualified title. Both in the leaflet and in Mr. Brickdale's letter the statement is made that the business of the Land Registry is increasing, but figures are studiously avoided; and in the leaflet it is practically admitted that the system cannot be successfully worked unless it is made compulsory. In other words, that the public will never be able to see its advantages, and must have the system forced upon them! A further objection to the Bill is that it lays down no basis on which the system, if established throughout England, is to be worked. Is there to be a central register in London to which all business is to be reported, or are there to be district registers, and, if so, with what powers and subject to what supervision? Are all district registrars to be authorized to grant absolute titles—or is the whole of that class of business to be brought to London? These and all other details, important as they are, are left entirely to the decision of the Chancellor (Act of 1875, section 111), without any previous submission to Parliament, and with no opportunity for public discussion. If any one of the principal objections which this paper suggests is valid, a case is made out for at least careful inquiry and consideration before such a system is made compulsory, and a large army of officials created to carry it into effect. Large it must be, for the conveyancing of England is now conducted by some 15,000 solicitors with the aid of not fewer than 500 conveyancing barristers and 40,000 to 45,000 solicitors' clerks—and yet the public not unfrequently complain that business is unduly delayed. Is an army of officials, secure in their posts and necessarily employed, likely to be more speedy, more obliging, and more ready to meet the wishes and requirements of landowners than those whose reputation and income depend on their retaining the confidence of their clients, and proving their capacity to carry out expeditiously and accurately their arrangements and business?

At the conclusion of his paper he moved:

"(1) That this meeting, while ready to assist in further simplifying dealings in land, and in perfecting any system which may be adapted to the requirements of landowners and convenient to the public, strongly deprecates any attempt to make the system of registration of title established by the Act of 1875 compulsory, and urges the necessity of a thorough inquiry into the working of that system, and the causes of its failure to attract landowners and the public.

"(2.) That no system of registration of title will be adapted to the requirements of landowners or convenient to the public, which: (*a*) exposes the true and innocent owner to loss of his land by forgery, fraud, or

mistake; (*b*) fails to provide adequate compensation for any loss arising from forgery, fraud, or mistake; (*c*) makes the land certificate valueless as evidence of title, and renders difficult, dilatory, or costly, the system of equitable mortgage by deposit; (*d*) leaves in the hands of the Lord Chancellor alone, without the concurrence of any board or consultative body, the power of legislating by rules, or confers on any body other than Parliament the power of making the register public, or working the Land Registry as a source of public revenue.

"(3) That the council be requested to send copies of these resolutions to the Prime Minister, the Lord Chancellor, the law officers, the public press, and others."

Mr. R. PENNINGTON (London) seconded the motion. He said that perhaps it was rather appropriate that he should do so, because his former senior partner, Mr. Cookson, some forty years ago, exerted himself very ardently to establish, if possible, some satisfactory system of registration of title. Mr. Cookson had read papers on the subject, and the result of his labours at that time was that a Royal Commission reported in favour of the system. But, of course, since 1852 or 1853 everything had changed. Since that day the Conveyancing Acts had been passed, together with the Settled Land Acts, and every facility that could be required, in his own judgment, had been given for the transfer of land without trouble, or rather for the sale of land, because it was made a complaint that land could not be sold because of the difficulties of transferring land. By reason of these Acts of Parliament everyone who has had any experience in connection with the transfer of land must know that there was no practical difficulty whatever in selling. Therefore, although at the time Mr. Cookson took the part he did in connection with the registration of title he (Mr. Pennington) entertained, naturally perhaps, views similar to his, his (Mr. Pennington's) views had entirely changed since then. Moreover, we had had some experience of late years of officialism. He thought the universal experience of solicitors was that it would not be to the advantage of the solicitor branch of the profession that they should be placed more than they were at present under the control of officialism. That was saying nothing against the officials personally. An official with every desire to do everything that was right could not, by reason of the regulations and rules, transact the business of his office with that speed which was absolutely necessary in these days if the public were to be satisfied and enabled to carry on their business. He had great pleasure in supporting Mr. Lake in the most self-denying efforts he had made to bring this question to an issue, and to let the public see what it was that—he might say—certain agitators were going in for, and he hoped the meeting would express its views and pronounce unanimously against any system which would produce results which he believed would be found very disadvantageous to the public.

Mr. HERBERT BRAMLEY (Sheffield) expressed his gratitude to Mr. Lake for taking up the cudgels on behalf of the ill-used public and of the somewhat ill-used solicitors. He gave an instance of a case that had come under his notice in Sheffield within the last few weeks in proof of the extremely heavy cost that the system of the present registry made necessary. It was a case under the Land Transfer Act of 1875, and the purchase was to the amount of £1,625, the costs coming to something like £86. He thought the very strongest point that could be brought forward by solicitors was the fact that bankers and others would not be able to lend with certainty, and that if it was made known that people could not get money on equitable deposit the fate of Lord Herschell's Bill was sealed. This was the point he thought it would be necessary to lay before the bankers and others; the press also, who took up the position that land transfer was to be simple and cheap. The society should try to point out that this was going the exact way to make it difficult and anything but cheap.

Mr. ALSOP thought the highest tribute was due to Mr. Lake from the profession for the great zeal and energy he had displayed in the matter. The resolution was moderate in tone, clear and precise in scope, and ought to secure the hearty approval of the whole of the profession.

Mr. W. J. M'LELLAN (Rochester) said that bankers did not lend money on equitable charge on deposit without the intervention of the solicitor. It was frequently found that when the client took his deeds to the banker the banker sent the deeds to the solicitor and asked him to report upon the title. He did not think it possible for any Government official to provide a simpler method by which the public might obtain loans on their property without disclosing to all the world that they wanted to borrow money, for however temporary a period. He would like to have added to the resolution that the production of a certificate should be made absolutely necessary on the part of any owners or previous owners in dealing with land. He moved to add to the second clause: "(*e*) That does not make the production of the certificate last issued as absolutely necessary on the part of the vendor or mortgagor as was now the production of the conveyance to him, and throws the burden of accounting for its non-production upon the person then claiming to be the owner."

Mr. J. DIXON (Hull) seconded.

Mr. W. M. WALTERS (London) opposed the addition. It was amply governed by clause (*c*). He objected to any system which made the land certificate valueless as evidence of title. If the land certificate was to retain value as such evidence, it must, in case of necessity, be produced on any transaction. If any system could be produced by which the land certificate should be taken as evidence of title for the purpose of deposit, and it could be made unnecessary to produce it for completion, well and good. But as far as the meeting was concerned he could not see how they could make any arrangement of that kind. The proposition was included in (*c*), and he thought the proposed addition had better be omitted.

Mr. H. BEAUMONT (Wakefield) observed that the Bill did not appear to affect copyholds, and if it did not he thought it would do much to put an end to the enfranchisement of copyholds. He did not think anything ought to be done which would perpetuate copyholds. Enfranchisement should be given as soon as possible, and there should be one general system.

Mr. H. BENTWITCH (London) opposed the amendment.

Mr. M'LELLAN eventually withdrew the amendment.

Mr. STUCKEY (Brighton) asked if it would be possible to get the bankers to petition against the Bill.

The PRESIDENT: I think if you carry these resolutions we can certainly send them to such bankers as we have influence with.

The resolution was carried unanimously and with acclamation.

HOUSE PEACE IN FOLK LAW.

Mr. H. T. CROFTON (Manchester) read a paper entitled, "Some Relics of the House Peace in Folk Law."

THE LAW RELATING TO PARLIAMENTARY ELECTIONS.

Mr. WALTER PEPPERCORN (Oxford) read a paper on this subject which we hope to print hereafter.

Mr. ELLETT (Cirencester) observed that it was perfectly ridiculous that votes should be lost by reason of some carelessness on the part of officials. This ought to be remedied.

Mr. ROBERTS (Exeter) did not concur in the desirability of abolishing local control of election petitions. To control them in London would have the effect of enormously increasing the expense of the trial, which was already very heavy indeed, and in addition full evidence was not so likely to be brought forward in London as in the actual locality. He objected to the suggestion that only the defeated candidate should be able to present a petition, and thought that any member of the constituency should have the power. The present tendency was to appoint an election agent rather than a solicitor, as the agent gave his whole time to the subject, and not only during the time that the election was in progress. If a candidate employed an agent, however, he ought to take care to have a professional adviser. There was the scope for the solicitor in the future.

Mr. M'LELLAN said that in his own district there were many bargemen who were constantly away from their homes. He thought it should be permissible to pay their railway fares in such cases.

Mr. WALTERS did not see how the payment of railway fares could be permitted whilst the employment of hired vehicles was prohibited.

SECTIONAL MEETING.

A sectional meeting was held during the afternoon in another room in the Town Hall, over which Mr. John Hunter (London, vice-president of the Incorporated Law Society) presided.

DIRECTORS AND THEIR RESPONSIBILITIES.

Mr. G. A. FISHER (London) read a paper on this subject which we hope to print hereafter.

Mr. GRAY HILL (Liverpool) said that no doubt there had been striking incidents recently, especially those connected with the name of Mr. Spencer Balfour, which had earned all the obloquy that had fallen upon them. The folly of the shareholders and the other directors had had much to do with these regrettable incidents, but he did not know what kind of legislation could be adopted as a remedy. He thought that they as lawyers should not do or say anything to call for useless or superfluous legislation.

Mr. G. R. DODD (London) considered there ought to be more protection than was given at the present time. He thought something might be done by legislation, but would not go so far as Mr. Fisher.

Mr. R. L. DEVONSHIRE (London) thought it was possible the laws, especially in regard to the formation of companies, might be amended.

Mr. GORDON (Bradford) said the chambers of commerce had for some time past been endeavouring to bring about legislation in the direction suggested by Mr. Fisher, and the conclusion they had arrived at the society might very well indorse, leaving in the hands of the shareholders who had incurred the responsibility the question as to whether or not the company was to commence its operations.

Mr. FISHER briefly replied.

COMPANIES LIMITED BY GUARANTEE.

Mr. G. T. POWELL (London) read a paper on this subject.

A brief discussion followed, in which Mr. B. G. Lake, Mr. Gray Hill, Mr. F. Hampson (Manchester), Mr. R. L. Devonshire, and the chairman took part.

BANQUET.

In the evening a banquet was held in the Manchester Assize Courts, at which about 300 gentlemen were present. Mr. JOHN COOPER (president of the Manchester Law Association) took the chair, and the President and Vice-President of the Incorporated Law Society, the Lord Mayor of Manchester, the Recorder (Mr. H. W. West, Q.C.), the Mayor of Salford, the Town Clerk of Manchester, and Mr. S. Ogden (president of the Manchester Chamber of Commerce) were among those present.

Mr. W. M. WALTERS proposed the health of the Lord Chancellor and judges, Mr. H. W. WEST, Q.C. (Recorder of Manchester) responding.

The CHAIRMAN proposed the toast of the Incorporated Law Society, giving a history of its career until it had reached its present satisfactory position, and the President acknowledged the compliment.

Mr. PENNINGTON gave "The Trade and Enterprise of Manchester," and the toast of "The Manchester Incorporated Law Association" was submitted by Mr. J. W. ALSOP, Mr. C. L. SAMSON responding.

WEDNESDAY'S PROCEEDINGS.

Solicitors' Benevolent Association.

Prior to the resumption of the ordinary business the Solicitors' Benevolent Association held their seventy-first half-yearly meeting; Mr. W. F. Blandy, the chairman of the board, presiding.

The report stated that the total number of members now enrolled was 3,421; of these 1,150 were life, and 2,271 annual subscribers. Sixty-two life members were also contributors of annual subscriptions ranging from one to five guineas each. During the six months ending the 30th of June, 1893, the receipts from all sources had amounted to £4,032 4s. 8d., including life subscriptions £292 19s., new annual subscriptions £99 15s., renewed annual subscriptions £945, donations £635 19s. 6d., dividends £956 15s. 2d., and the following legacies:—£20 under the will of the late Mr. Wm. Furse Neave (London), and £1,000 under the will of the late Mr. Samuel Maples (Nottingham). During the half-year 84 grants had been made from the funds, amounting to £1,630. Of this sum 4 members and 17 members' families received £780, while 7 non-members and 56 non-members' families received £850. The sum of £87 10s. was also paid to annuitants from the income of the late Miss Ellen Reardon's Bequest: £14 to the recipient of the "Hollams Annuity, No. 1"; £15 to the recipient of the "Hollams Annuity, No. 2"; and £15 to the recipient of the "Victoria Jubilee Annuity." The invested capital on the 30th of June, 1893, amounted to £43,358.

Upon the motion that the report be adopted,

Mr. Gardner (Abergavenny) urged that the sums received as life subscriptions should not be spent, but ought to be invested. He moved a resolution calling the attention of the directors to the subject, and asking that they should take it into their earnest consideration with the view of adopting some steps for the investment of life subscriptions for the future.

Mr. Allen (Manchester) seconded the motion.

After considerable discussion the motion was withdrawn and the report adopted.

The reading and discussion of papers was resumed, the President again taking the chair.

Inland Navigation.

Mr. J. A. Read (Manchester) read a paper entitled "Some Legal and Other Details relating to Local and General Inland Navigation in the United Kingdom."

Position of the Profession.

Mr. W. P. Fullagar (Bolton) read the following paper, entitled, "Our Profession: Its Present-day Position and Obligations":—

In selecting this wide and important subject, I do not desire in any way to dogmatize, or merely to air any special crotchets, but to the best of my ability to ask your consideration with me of our present position as a profession, and to touch upon a few weak places in our armour which, during an experience of twenty-five years' practice in Lancashire, have pressed themselves home upon me. Their consideration will, I hope, provoke a discussion which may help us to understand one another better, and whilst stimulating a greater desire for stronger union, may also help to remove much which now tends to sap our strength. Let us then consider our profession and its present-day position as regards ourselves and the public at large. I confidently affirm that there is no profession which has had in the past, and alas! still has, to endure more attacks and obloquy, and kicks both covert and overt, than our own. We are looked upon as a necessary evil. Men come to us only because and when they are obliged to do so. They grudge the time and money spent upon us, and gratitude for work done and trouble taken is not often, I fear, felt, and still less often expressed. It is said that you cannot make a man *sober* by Act of Parliament, but there is one thing which the public seem to think can and ought to be done by Act of Parliament, and that is, to make us lawyers poorer, and in every possible way to cut down and limit our work and legitimate charges! This has been the bearing of all legislation on legal procedure and land transfer during the last thirty years, and it is still going on. The connection of the Law and the Prophets, so familiar to the ancient Jews, is to be dissolved in *our* minds, so far at least as any *profit* in another sense is concerned! Not only, too, are we subjected to these attacks from without, but there are many circumstances within and amongst ourselves which further help to injure our position as compared with what it was formerly. Our numbers are greater. The profession is palpably overstocked. There are many amongst us who should never have been admitted to our ranks, and who, by stress of position and circumstance, are ready to undersell their compeers, and to work for a miserably inadequate and unfair recompense. There is a spirit of unworthy desire abroad which prompts the coveting of the business of others, and the resort to any means to acquire it. Again, much of the old confidential relation between solicitor and client which showed itself in the family solicitor and his firm being the legal representatives of a family for several generations, has disappeared. As things now are, the difficulty one often finds is to say who is your client from day to day! The lawyer is consulted nowadays far too often, not for the confidence reposed in him, but as the proprietor of the cheapest legal shop in the neighbourhood. I don't say for one moment that the public have not a perfect right to get their law done as cheaply as they can, and I welcome the many salutary changes which have cut down the heavy and unnecessary charges which formerly attended both the transfer of land and also all litigation generally, but I maintain that even to these public benefits there may and should be a limit, if and so far as they prevent or interfere with a fair and proper remuneration for work which must actually and necessarily be done. I maintain that when the present authorized scale of charges and costs, whether in litigation or conveyancing matters, is carefully considered, all reasonable men will come to the conclusion that the time for the popular outcry against lawyers' bills is past—that the public are getting their work done as cheaply, yes! and as well and expeditiously as they can reasonably expect—and that it behoves us as a profession to watch over our interests far more narrowly and carefully than we have hitherto done, and to strenuously resist any further attempts to reduce our means of subsistence to a degree both uncalled for and unfair. But we must do more than this. We must determine as a body to maintain (so far as circumstances will permit) that fair and proper scale of charges which the Legislature allows us. In *all* matters it is not possible to adopt that scale, but what I specially wish to deprecate is the reduction of charges to a small and unremunerative limit, merely with the view of working more cheaply than one's neighbours and thereby securing more business. Nothing to my mind can be more unworthy of the profession to which we belong. I would further deprecate a practice which of late years has been far too common, and which, more than all else, has, I think, tended to weaken us and to bring us into bad odour with the public at large. I refer to the admission into our profession of men who from birth, education, and position are entirely unfitted to uphold its dignity and honour. How repeatedly do we hear of and see clerks articled without any premium who have brains enough to squeeze through their examinations and are then found with their names in the Law List, but who possess the very vaguest notions of professional etiquette or of those high and honourable feelings without which I maintain that our profession can never hold its own as it ought to do. These men, as soon as they have passed their examination, start for themselves with no capital and no clients, except such as they may hope to entice from their former employers, or may capture by the offer of cheap law. What is too often the result of this? From my own experience and observation I do not hesitate to say that in the majority of those cases which our association is compelled to bring before the courts, the persons summoned have commenced their professional life in this way, and in many cases have been tempted by absolute want of means to use moneys of their clients which have from time to time come into their hands. I submit then most strongly that it is a hardship, not only upon our profession—not only upon the public who suffer from frauds committed—but upon the clerks themselves—to admit them to articles upon such terms and under such circumstances. Our obligation to the public as well as to ourselves is to take care that our profession keeps up the highest and most honourable standard, and this can be done far better by keeping out possible weeds than by allowing them to take root, and then getting the courts to pull them up for us. Another of our obligations to the public is to keep down litigation in every possible way. I don't like to hear members of our profession advocating schemes because such schemes will *increase opportunities for* litigation. Increase the *facilities* for dealing with the litigation *which exists* in a less costly and more expeditious way if you like, but, for heaven's sake! let none of us ever seem to be thirsting for the increase or prolonging of litigation! Again, the public demands from us expedition. There has undoubtedly been a vast improvement on this score during the last thirty years. In litigation, suits and actions are disposed of with wonderful celerity. The old days of *Jarndyce* v. *Jarndyce* are gone for ever. Still, even now, in conveyancing matters there is with some of us a fatal disposition to delay, and to let business drag on far longer than need be. One instance where this often occurs is in the case of landed estates, whose interests are in the hands of London solicitors, and which are offered to the public on building or mining leases. I hope that my London brethren will forgive me if I say that I have often met with and heard of dire complaints at the delay which this state of things frequently produces in the preparation and completion and (more often than not) in the costs of such leases. One reason for the heavier costs incurred is, I fancy, that the preparation of the lease is generally handed over to counsel, who, however learned in the law they may be, have little practical knowledge of the circumstances of the letting. This is more especially the case with mining leases, and often the draft, when finally settled, resembles the body of a pugilist after a hard fight in its adornment (in ink) with red upon blue, upon green, upon brown, upon violet, upon black! This involves a correspondingly great increase in the cost, which, falling (as I think most inequitably) upon the unfortunate lessee, makes him and others chary about repeating the experiment. Then there is a point which perhaps comes before us in the country more than in London, and about which I would venture specially to warn my younger brethren, and it is this:—Never allow or wink at the doing by any clerk in your employ of anything which you would not care to do yourself. Often have I met with little acts of professional discourtesy, and of failure to act up to the proper standard, which, on complaint being made, have been put off upon the shoulders of a clerk. The clerk is, in fact, used as the scapegoats for acts which the principal would have been ashamed to do himself. My own feeling is that clerks in many offices are allowed to act too much without supervision, and I don't think that any business should be transacted, and certainly no letter should be sent out of an office, without the knowledge and sanction (by his signature) of the principal. If this were done, professional discourtesy and sharp practice would, in a great measure, disappear. These matters may seem trivial in themselves, but they all appear to me to have a strong bearing upon the point which I would insist upon—namely, the necessity for keeping up our standard of professional honour and practice. Lastly, I would urge that we can only hope to do this and to maintain our true position by greater cohesion and union among ourselves. We are too jealous of one another. We don't pull together as we should do. This is all the more necessary, because we get very little help from outsiders. The public don't love us well enough to help us. Our friends of the Bar, fettered by that exclusive etiquette (which seems to me a relic of the dark ages), only welcome us to their *chambers* as tenants in (or rather *with*) *fee*! but as tenants by *courtesy*, within the magic circle of personal intimacy and friendship, seldom—if ever! Nor do we get quite the consideration which we have a right to expect when we have the misfortune to be personally involved in matters before the courts. The unfortunate solicitor engaged in litigation seems to be considered as fair game for judges, counsel, the public,

and the press to sit upon and worry to their heart's content! What, then, should we do to strengthen our position? Personally, I have not much faith in the work and benefit to be derived from *local* law societies. They have, I think, necessarily a very limited sphere of usefulness. Except in our largest centres I don't think that their committees can be so composed as to render their decisions on matters of etiquette and practice satisfactory. They often degenerate into mere platforms and agencies for the airing of local ideas and plans. Take, for instance, the desire on the part of some places for continuous sittings. I am one of those who do not believe in the necessity for them, or that they would be attended with satisfactory results to the community at large. Any benefit which they could confer would be purely local, and confined to the members of the Bar and to the solicitors practising in these towns. Continuous sittings (say) in Manchester would not be of much benefit to Bolton, Blackburn, Chorley, or Preston. I support most strongly Mr. Justice Grantham's views on this subject, namely, that so long as London is the capital of England, all that is best will and must converge to and centre there, and it is hopeless, I think, for our other large towns (even though some of them have now got a Lord Mayor!) to fancy that by local courts, a local bar, and local judges, they will get the suitors' work done better than it is at present. As I said before, I don't think the state of legal business demands the change, but I am still more sure that if it was tried it would very soon be found to work in anything but a beneficial way. I would also add that district registries always seem to me to benefit only those who practice in the towns where they are established. If *I*, practising in Bolton, use them, I am compelled to employ a local agent, and I find not only that my London agent does my work far better, but that London offers many advantages which no other place can furnish. This is rather by the way, and returning to my subject, I would urge that *all* members of our profession should be members of the Incorporated Law Society. I believe that this one central London society, working as it does with a council on which our leading cities and towns are represented (not perhaps quite so largely as they should be), can do far more to help and strengthen us than the strongest *local* society can possibly hope to do. Our Council certainly know how to manipulate large funds, and judging from one item in the accounts they recognize the wisdom of the old saying about not muzzling the ox that treadeth out the corn! But I want them to do more. I don't believe that our profession is much helped or its high standard preserved merely by clearing out a few black sheep every year. It *can* only deal with a few out of many whom we could very well spare. What I want is that our Society and its Council —that, in fact, we *all* should show more self-assertion in defence of our position and our rights. We have been too diffident, too humble in the past. Seldon says: "There is '*Humilitas quædam in Vitio*,' If a man hath too mean an opinion of himself it will render him unserviceable both to God and man." Dr. Johnson says that he would have a lawyer "inject a little hint now and then to prevent his being overlooked." That is exactly what I think our society and we, each of us, ought to do in the future far more than we have done in the past. Let careful watch be kept on every attempt to cut down our reasonable privileges and remuneration, and let our society, recruited by a large accession of members, be able to speak as the voice of the majority of the profession throughout the country. If it is found that we are ready to defend ourselves, depend upon it the attacks will soon cease. And why should we *not* hold up our heads on high and assert ourselves? We belong to an ancient and noble profession—a profession second to none in its capabilities and opportunities for help and usefulness to every rank and class of men. We are allowed to probe into the deepest secrets of the family and the individual far more than our medical or even our clerical brethren. The skeleton in the cupboard, however carefully concealed from everyone else, is readily revealed to us for our advice and assistance. We are trusted with reputations as freely as with moneys and property. We have high responsibilities. Our ignorance, or negligence, or fraud must necessarily have wide and serious effects. The carelessness or ignorance of the medical man may sacrifice the life of *one* patient, but the lawyer has the ruin and misery of whole families in his hands, and a very slight slip in our proper care and attention may produce most lamentable and far-reaching consequences. All this points to the necessity (which I have to-day been pleading for) of a high standard of excellence and honour. We depend to a great extent upon the confidence which the public repose in us. Let us one and all take care that such confidence is not rudely shaken by any acts or defaults of our own. So long only, I believe, as we are able to claim and retain this confidence, shall we be able to assert and hold our own, and successfully to meet the attacks which are from time to time made upon us.

Mr. SAMSON hoped the day was far distant when it would be considered that the provincial law societies were of no use. For years Manchester had been represented on the council, the president of the Manchester Association having been *ex officio* a member of the council. The country law societies were of great use in supplying information that could not be within the knowledge of solicitors in London.

Mr. A. H. HASTIE (London) spoke in favour of raising the standard of the preliminary examination. He urged that the council should obtain power from Parliament so that other examinations should not be accepted in lieu of the preliminary.

Mr. LAKE would be extremely sorry to have it thought the council entertained the view that the provincial societies were of no value. He did not hesitate to say they assisted the council very greatly, and without them much of the work that was done could not be carried out. It was of the greatest value to be able, by sending out a circular to the local societies, to obtain special information that could not be got in London as to the bearing a particular matter might have on solicitors in the provinces. Referring to the compulsory clause of the Land Transfer Bill, if they succeeded in postponing that Bill, or exacting a careful inquiry into the working of the present Act and the causes of its failure, it would be due in no small degree to the co-operation received from the committees formed by the country societies. Of course a powerful society like that of Manchester had more weight and did more work than some of the smaller societies. As to the suggestion that the country law societies were inadequately represented upon the central council, the council consisted of fifty members, forty of whom were more or less permanent, and ten of these were, by matter or custom, country members—there were eleven at present. In addition, there were ten extraordinary members, who were all country solicitors. It would be wholly impossible, or at all events extremely hard and perhaps unfair, to ask gentlemen resident in Manchester, Newcastle, and so on to come up to London daily to attend the committees at which the London members had to be present. The remedy, if it were a remedy, rested with the country members, who were in excess of the town members, and who could alter it if they thought it desirable. He thought that two-fifths of the council consisting of country members was a proportion almost greater than was sometimes found useful, because they could not attend for the constant committee work.

Mr. DODD said he had for years insisted on the necessity of raising the standard of the preliminary examination.

Mr. M'LELLAN said he did not think anything was more likely to produce a better tone in the profession than these annual gatherings in the provinces. He asserted that a great improvement had taken place of late years in the position of the profession, and that though alterations had been made in the direction of decreasing remuneration, yet if they had the effect of bringing solicitors ten cases in place of one they would be to their advantage.

Mr. BRAMLEY asserted that the country law societies held a far higher position than the paper stated.

Mr. E. K. BLYTH (London) said the class of men coming into the profession was improving. There were now many more who had taken degrees than was formerly the case.

Mr. DIXON (Hull) gave several instances where the council had derived assistance from the country law societies.

Mr. CROFTON (Manchester) said the local societies had brought about fixed dates for assizes, which was most useful to country solicitors.

Mr. BROWNE (Nottingham) thought that inquiry should be made into a man's character before he entered into articles instead of at the end of his term of service.

Mr. WALTERS said this was perfectly impracticable. Boys entered into articles at fifteen or sixteen years of age, and it was afterwards, if ever, that they got into mischief. But it was usually found that the mischief was done after admission. All that could be done was, if a local society objected to a candidate for admission to articles, that the law society should refuse to register his articles, which would compel him to go to the courts. When a man came forward for admission then the council made inquiries as to his character. The council were constantly attending to the interests of the profession, and committees met daily, even sometimes on Saturdays. The position of the profession was vastly improved since the early part of the century. If the council attempted to raise the standard of the preliminary examination it would probably have the effect of opening the door wider for exemptions. Parliament did not want to raise the standard. The council would be glad if they could raise the examination and get rid of the exempting power. Applications for exemption were gone into most carefully by the council, being referred to them by the judges, and the conclusions of the council were generally adopted, but not always. How far the statistics would carry out the statement that all the cases of malpractice were amongst solicitors who had been exempted from examination he did not know. He was not at all certain that these were the chief offenders.

The PRESIDENT observed that when a candidate came up for preliminary examination the council did not know at all whether he would be articled.

Mr. BROWNE suggested that a month's notice to the society should be required before entering into articles.

The PRESIDENT said solicitors had it in their own hands to make inquiries for themselves, and not to receive a man as an articled clerk unless they knew him to be a gentleman in every sense of the word.

Mr. FULLAGAR, in reply, said he had not reflected in any way on the work of the council, which he appreciated fully. He believed the local societies in the large centres had done a very great amount of good. He had referred rather to questions of conduct and practice, which he would prefer to have considered by the council rather than a local society.

CHAMBERS OF ARBITRATION.

Mr. HERBERT BENTWITCH (London) read a long and elaborate paper on this subject, in which, referring to the London Chamber of Arbitration, he said:

Let us see now what is offered by the proposed system of arbitration. In a brochure issued by Mr. Henry Clarke, L.C.C., chairman of the London Chamber of Arbitration (of which he may be regarded as the founder), the objects and advantages of this chamber, which will probably be taken as the type and model of many others yet to be established, are set out at some length. Shortly stated, all the advantages may be reduced to the three primary essentials of justice—whether commercial or uncommercial—on which I have before dilated: cheapness, celerity, and certainty. But it may be as well to give a few of the details at somewhat greater length. (1.) The majority of cases which will be brought for arbitrament may be finally disposed of in a couple of hours. There will be no lingering about courts day after day waiting for hearing. The hour will be fixed beforehand, and will be strictly adhered to. Accommodation will be provided for the hearing of several cases concurrently, and the panel of lay judges will be so large (it is now over 1,200) that there never will be any necessity to await the convenience of the judges, or the termination of protracted cases. Forensic displays will not be encouraged, nor will the process of cross-examination be permitted to

be abused, the conduct of the chamber being under the control of men of business "anxious to get at facts and arrive at a common-sense conclusion as speedily as may be, with due regard to efficiency." (2.) With the saving of time and the simplification of procedure, there will necessarily be a vast reduction in expense, and, apart from legal assistance (which is at the option of either of the parties), the whole fees payable to the chamber, including arbitrator's fee, will not exceed three guineas in a case of an hour's duration, whatever may be the amount at issue. (3.) Disputants may conduct their own cases, or be represented by a legal advocate (barrister or solicitor), or by any person in their permanent employment; and in cases where legal assistance is employed, arbitrators will have power to award a full indemnity for costs, these being in any event on the High Court scale. The fees to witnesses will also be on this scale in all cases. (4.) The panel of arbitrators will include representatives of all trades and allied interests, and I may mention that under this latter heading of "allied interests" no less than a dozen solicitors have already been appointed, representing special branches of commercial work. Disputants may select from the official list the names of arbitrators whom they prefer, or they may leave the selection to the Registrar, and no risk will therefore be run (as is the case with some of the Exchange Arbitration Committees) of business secrets having to be divulged to competitors acting as arbitrators. The entire proceedings of the chamber will be considered strictly private and confidential, the parties and their agents alone being present, and no reports being issued. There is a special provision in the rules that if any person appointed to act as an arbitrator shall be proved to have divulged any information obtained by him in that capacity, his appointment to act as an arbitrator shall forthwith be vacated. (5.) In addition to the legal arbitrators, a special legal assessor has been appointed "to sit with the arbitrator, arbitrators, or umpire, and advise and assist him or them in the arbitration." The present holder of this office is a leading Queen's counsel (Mr. F. A. Philbrick, Q.C., the Recorder of Colchester); and the special fee of five guineas, which is payable for the services of this high legal authority, will be part of the costs of the arbitration. All clerical work in connection with the chamber is performed by the registrar, who, by himself or by his deputy, receives submissions, settles questions of costs, gives all notices to the parties and arbitrators, keeps the necessary registers, and renders such assistance to the arbitrators as they may require during the progress of the arbitration. (6.) A submission to arbitration once made (whether in the original contract between the parties, or by a special agreement *ad hoc*) it cannot be revoked, nor is it affected by the death of either of the parties; and the arbitrators may proceed in the absence of any party who, after reasonable notice, shall neglect or refuse to attend on the reference. Witnesses may be examined on oath, and the parties must produce all documents within their possession or control which the arbitrators may call for. The personal attendance of all parties may be dispensed with if they prefer to jointly state a case on which they agree to accept the decision of the arbitrator. The hearing of every case is to be continued *de die in diem*. Lastly, under the provisions of the Arbitration Act, the award of the arbitrators may be enforced in the same manner as a judgment or order of the High Court of Justice to the same effect. The chamber, whose procedure I have here shortly sketched, was inaugurated but a few months ago (November 17, 1892), and it is not too much to say that it was greeted with a practically unbroken chorus of congratulations from all parts of the United Kingdom. The Right Hon. A. J. Mundella, the President of the Board of Trade, who attended the inauguration, said: "I believe this is a most important era—a most important day in the history of City commerce. It is not that you have any doubt about the justice of our laws, or the wisdom or justice of the men who administer them. This implies no kind of distrust either of law or of lawyers. . . . I am satisfied that this chamber of arbitration will find itself reflected again and again, and will, so to speak, be the fruitful mother of other courts of arbitration throughout the great industrial and commercial centres of this country." Amongst the more honoured guests on that occasion was our late president, Mr. Richard Pennington, who, with that breadth of view which has characterised all his public utterances, and which has reflected so much credit on our society, said: "I cannot disguise from myself the feeling that, to a great extent, the existence of this chamber of arbitration is owing in a great measure to the fact, which is undoubted, that in the courts of law suitors cannot get redress with the same expedition which they are entitled to expect. . . . I am able to say on behalf of our society that they recognize its importance, and that they consider it to be their duty, so far as they are permitted by your rules, to take part and to support you in the work on which you have entered. I think it is not only their duty as citizens, but I think it will be their interest also to further the objects which you have in view, and I think I am expressing,—indeed I know I am expressing—the feelings of the best members of our society when I say that that is the course which the solicitors in London ought to take." The time which has elapsed since the inauguration of the chamber has been too short to judge of its probable popularity and ultimate success. But I may mention, as matters which will be of special interest to the society, that in about half of the cases tried one or other of the parties has been represented by a solicitor, that in 33 per cent. of the cases the arbitrator chosen was a member of the legal profession, that one of the disputes submitted referred to a solicitor's bill of costs, and that another was already the subject of an action and was sent down by a master of the Queen's Bench for settlement by the chamber at the request of both the parties. The matters involved have extended from sums a little above twenty pounds to amounts above a thousand pounds; and the average time occupied in all these matters, from their first institution to the final issue of award, has not exceeded fourteen days! The number of cases decided, so far, has not been large, but there is no question that there is every day a mass of informal arbitration business transacted in the City of London which, in the course of time will inevitably be attracted to this official tribunal; and the work will, in fact, increase automatically through the provision which is said now to be becoming usual in the contracts of city merchants, by which they bind themselves to submit any dispute to the chamber. If, however, the experience of this infant chamber is not yet sufficient to guide us in forming a firm opinion as to its probable results, we can perhaps gauge the extent to which such an institution is likely to be utilized by the mercantile classes by the results in the tribunals of commerce established by our French neighbours; and I propose, as a practical exemplification of what can be done, to conclude this paper by a short description of the procedure and results in the Tribunal de Commerce of Paris, which is one of 223 similar tribunals established throughout France. For these particulars I am largely indebted to Maître Levillion, one of the advocates at the Court of Appeal, and I have also derived considerable assistance from the paper on "French Practice and Procedure," read by one of our own members (Mr. F. K. Munton) at the Leeds meeting in 1889. The Tribunal of Commerce consists, not of professional judges, but of merchants elected for a limited time by the vote of their fellows, whose names are inscribed on the recognized mercantile registers, this election being regarded as equivalent to the choice of an arbitrator for business disputes. The jurisdiction extends to all mercantile matters, including partnerships, bankruptcy, and matters affecting companies; it is not limited in amount, and there is no appeal in matters involving a less sum than 1,500 francs. There is no legal assessor, but all technical cases are sent before an *arbitre* with special knowledge, and where legal points are involved the *arbitre* chosen is an expert in the particular matter, in the same way as if any other technical question had to be considered. The great majority of cases are referred in this way, each court having attached to it a rota of salaried *arbitres*, who are directly nominated by the court as having special knowledge; while other *arbitres*, of a more private character, are nominated by the governing bodies of each trade, guild, or profession. In theory, the tribunal can refer a matter to any one of these *arbitres*, independently of the choice of the parties; the function of the *arbitre* being, not to pronounce judgment between the parties, but to investigate the facts, with a view, in the first instance, of effecting an equitable settlement, or if this fails, then of forwarding a written report on the facts to the tribunal itself, with whom the decision finally rests. The parties may appear before the court either in person or by anyone holding a power of attorney, but in practice nearly all the work is given to the *agréés*, who act, for the most part, as the agents in court of practitioners outside, from whom they receive their instructions. To become an *agréé* it is necessary, not only to have gone through the prescribed period of apprenticeship, and been admitted as an advocate, but also to have become the fortunate proprietor (by purchase) of one of the seats—strictly limited in number—of the front row before the bench. The *agréés* are supposed to possess the confidence of the court; and they have a special tariff of small fees for taking the initial steps in all cases, these fees amounting to ten shillings only if the parties plead their own cause and the matter is not referred to an *arbitre*. If, however, further services are required from the *agréé*, as is usually the case, some additional fixed fees become payable; but their real remuneration comes in the shape of *honoraires* which are a matter of agreement in each instance and are fixed according to the importance of the case. Outside the *agréés*, there are a large number of practitioners who have passed the qualifying examinations, but have not obtained one of the coveted seats, and who are therefore precluded from actually appearing before the court itself. They answer in many respects to our old "pleaders," and carry on a large practice as consulting lawyers. They appear before the judges in chambers and before the *arbitres* to represent their clients on the investigation of the facts, and the preparation of the report preliminary to the judgment which the court is recommended to adopt. Any pleading on the report itself in court is, however, carried on by the *agréés* or *avocats*, and after hearing the arguments the judges have, of course, the power to set aside or vary the *arbitre's* report. The decisions of the tribunal itself in matters exceeding 1,500 francs are subject to an appeal to the ordinary Court of Appeal, where the finding both as to the facts and the law may be brought in review. A further appeal lies beyond this to the Supreme Court, called the Cour de Cassation; but here only questions of law can be discussed, the questions of fact being concluded by the previous judgment. The Tribunal of Commerce itself acts as a court of appeal from the Councils of the Prud'hommes in all matters involving amounts of 200 francs and upwards. These councils are courts composed of masters and workmen in equal numbers, and they are intended for the settlement of disputes between employers and employed; but, notwithstanding the apparent equality in numbers, there is a distinct tendency in these inferior jurisdictions (as in our county courts) to favour the working man at the expense of the employer—the result, as my French correspondent puts it, of the modern social movement. Turning now to the statistics of the Tribunal de Commerce, it is first to be noted that the number of mercantile matters brought before the tribunal reached the enormous total of 55,000 during 1892, of which over 14,000 cases were actually brought to hearing. It is suggestive to compare this for one moment with the procedure in our own Court of Queen's Bench, where, out of little less than the same number of actions commenced in the year 1891 (45,000), a total of only 2,660 actually came to hearing (including cases tried at the assizes); thus evidencing the immense disadvantage under which we labour from the absence of quick machinery for the settlement of disputes. Of the 55,000 cases brought before the Tribunal de Commerce there remained at the end of the year only 1,188 matters to be settled in all the different branches, and of these only 120 matters were *older than two months*. The number of appeals from the tribunal during the year amounted to less than ten per cent. of the total number of cases heard, and of these appeals three-fourths resulted in a complete confirmation of the previous judgments. The tribunal, acting as a court of appeal from the Prud'hommes, heard 210 of such appeals during the year; and it is of some significance that nearly 50 per cent. of these appeals were successful before the higher and more independent tribunal. The number of cases sent by the tribunal to the *arbitres*

amounted to 9,736, and of these no less than 5,746 were settled before the *arbitres*, without the necessity of a further reference to the court. It is impossible not to recognise in these figures the immense advantage which this system of arbitration, enforced from the outset by the practical business men who preside over the tribunal, confers over our more cumbrous legal procedure, which only succeeds in finding out at the trial (*if the matter proceeds so far*), and after an accumulation of expense, by the side of which the original matter in dispute is frequently of secondary importance, that the case should have been referred in the first instance. When we see that the proportion of cases brought to a hearing under the French system, compared to ours, is five to one, it becomes pretty evident that we have much to gain by the adoption of this method of arbitration, which is the key of their success; and there can be no doubt that, even from the point of view of material interest, it would be more remunerative to us while immeasurably more satisfactory to our clients, to obtain speedy and comparatively inexpensive decisions on the larger proportion of cases (five to one be it remembered!) rather than submit, in nine cases out of ten, to settlements or total abandonment of proceedings, compelled by delays in the proceedings, or by the fear of loss through expenses incurred in the obstructive steps which our system seems specially to have provided for the unscrupulous litigant. To resume: (1) The experience of all countries, at all times, has proved the necessity of a system of arbitration at the side or in place of the ordinary legal tribunals for the settlement of the ordinary disputes and differences incidental to mercantile life; (2) our present legal system affords no such speedy and inexpensive method for the decision of contested questions, and it therefore fails to secure justice to a large proportion of the community in matters of daily concern; (3) Chambers of Arbitration, on the lines of that just founded by the Corporation of London, in conjunction with the Chamber of Commerce, will supply this want; (4) it is our duty as citizens, and our interest as solicitors, to assist in and promote every well-conceived plan for the more speedy administration of justice; and, finally, (5) it will redound to our credit, not less than to our material advantage, to assist in the development of these popular tribunals.

Mr. F. K. Munton (London) said that, while admitting that the paper was extremely interesting and ably written, it had become his duty, after consulting some of his colleagues on the council, to point out that many of the statements made did not bear out the conclusions. Although the paper did not terminate with a formal motion, the reader had candidly conceded that it was the outcome of a resolution which had stood in his name but had been withdrawn for the moment to admit of fuller discussion here. He might at once say that being himself a member of the London Chamber of Commerce as well as a solicitor he had admitted in the first instance that it might be well to attempt the scheme now advocated, and he was quite at one with Mr. Pennington in saying that it was an important movement, which the profession should recognize. But it must not be forgotten that his remarks were made at the inauguration of the institution when it was thought mercantile men themselves had manifested a want, whereas in July Mr. Pennington had statistics before him to shew that seven months had only produced twelve cases. It was admitted that machinery for the trial of commercial disputes had been very defective, and in 1891 at Plymouth, as the result of a paper he himself read, the following resolution was passed:—"That, in the opinion of this meeting of solicitors, Queen's Bench causes arising out of commercial transactions should be set down for trial in separate lists, and that priority of hearing should be accorded when the available number of courts is limited." The council subsequently not only indorsed this, but the bench itself went even further by recommending that judges with special experience in commercial matters should preside. How could the council, in face of this, recommend the society to place its special seal on a proposal which practically suspended, or at all events substituted, a *quasi*-private system for the secular courts? The prospectus of the London Chamber of Arbitration contained the following words:—"The mercantile classes will doubtless find it desirable to insert a clause in all contracts and agreements, providing that in the event of any dispute or difference arising it may be referred to this chamber for settlement." There could be no mistake about this language; apart, however, from the foregoing circumstances, the arguments of his friend, Mr. Bentwitch, about the French and other tribunals of commerce were misleading. The meeting must bear in mind that such tribunals were part and parcel of the Government system; in other words, commercial disputes were, as a matter of course, initiated in that part of the court itself. He entirely denied that in any important country a system existed on the lines of the City of London proposal. He, for one, had always desired to see our commercial and general law work kept in separate "courts," which was quite another matter to "chambers," over which the Government had no control. Even if the foreign system were analogous the statistics shewed nothing. The proportion of "trials" in France out of the number of cases entered arose from the fact that the summary Order 14 in England did not exist abroad, and therefore an enormous allowance would have to be made for the mass of judgments obtained privately here under such summary process. He was sorry to hear the reader speak so lightly of the decisions of county court judges. He himself thought that he was echoing the general feeling of the profession when he said that of recent years their decisions had deservedly commanded respect, their judgments in several instances being upheld by the House of Lords after being varied by intermediate courts of appeal. On the whole he argued that any member of the society might fairly recognize the chamber by not dissuading clients from permitting such arbitration clauses being inserted in contracts if they were so minded. The society, as such, could not with any propriety identify themselves with a proposition to remove their clients' disputes from the ordinary tribunals of the country, which were gradually being reformed as to meet the wants of the age.

Sectional Meeting.

After an adjournment for lunch the remainder of the discussion was taken in another room, the Vice-President occupying the chair.

Mr. E. K. Blyth (London) urged the necessity of using their utmost powers to bring about a reform in the judicial institutions of the country, so as to make them adequate for their work. He did not deny that arbitration was extremely suitable to certain cases where masses of detail were involved, but he could not agree with the paper as to the "policy of despair." He thought also that it was far too severe with regard to the county courts. It was the policy of the society to use their utmost endeavours to enforce upon the judges and the Government three cardinal principles which appeared to be very much forgotten. The first was that the legal establishment of the country exists to provide for the business of the country, not that the business of the country has to be adapted to the necessities of the legal establishment. Unfortunately the long arrears in all the courts tended to shew that the cardinal principle had been grievously overlooked. The second principle followed—namely, that the means of disposing of the business of the country must be adapted to the work to be done, and that the society must use their influence with the judges and the Government that they should carry out the same policy which a private individual had to adopt in transacting his own private business. The third principle was that it was absolutely mistaken economy to stint the cost of the transaction of business in such a manner as to render it impossible for it to be transacted as it ought to be transacted. The proposition to substitute courts of arbitration practically ousting the judicature of the country was a mistake. They should concentrate their efforts upon persuading the judges and the Government to extend the present legal system as might be necessary, and to make it adequate to do the work the country expects of it.

Mr. Bentwitch, in replying, insisted that it really was a policy of despair, and such an admission had been made by the council. It had admitted in its published proceedings that solicitors were in a position of despair as to the commercial business of the country, and three years since a resolution had been passed based upon the admission that commercial business had been withdrawn from the ordinary legal channels. It was then recognized that the withdrawal of commercial business from the courts had gone so far that it was impossible to get it back into the legal channel. Merchants had lost their trust in the machinery of the courts. They preferred the rough-and-ready justice they got to the delays of legal procedure of the courts. It was impossible by the existing legal machinery to get back their confidence. That was the basis of his paper. He was sorry Mr. Pennington was unable to be present, for, if he had been, he would have had his support. Mr. Pennington, addressing the London Chamber of Commerce as president of the society, had gone much further than Mr. Munton had given him credit for. Mr. Pennington, speaking after consultation with his colleagues, and as representing the society, had said much more. He had said that, not only did the experiment deserve consideration at the hands of the profession, but that he considered it the duty of every member of the society to actively assist in the formation and working of these tribunals. If solicitors advised their clients that certain matters should be submitted to the tribunals, they would succeed; but if solicitors simply left the merchants to go to them of their own accord, the experiment would fail. It was their duty to recommend their clients to take certain matters to the tribunals. It was a matter of congratulation that they had in the London Chamber a system far and away beyond any other in England or on the Continent. If the chamber failed from any lack of support on the part of the profession, it would be said that they failed because solicitors desired them to fail.

Legal Reform: Unification of Civil Courts.

Mr. J. A. Bland (Manchester) read the following paper on this subject:—

Legal proceedings may be distinguished as either administrative or judicial. In the former class I should place all proceedings in chambers, whilst in the latter would be included all proceedings in court. This distinction is fundamental for my present purpose, for the proposed reform which is the subject of this paper is designed to secure unity of administration, whilst preserving the present arrangement of a higher and lower judicatory. The scheme I am about to present to you would be applicable to every class of proceedings, but as its effect is more obvious and greater in the case of common law actions, I will exemplify it from an action of that class. Such an action may, within certain limits, at present be brought in any one of three courts, either in the high court, the county court, or in the local court of record, if the cause of action arose within the jurisdiction of such a court. The jurisdiction of these courts is to some extent concurrent, and for the rest they are supplementary to each other. The existence of more than one court, however, gives rise to many inconveniences and serious defects in the administration of the law, and, so far as I can see, offers no compensating advantage. The whole of the administrative objects which they serve would be accomplished by an amalgamation of these courts and a consolidation of their practice, whilst their judicial efficiency would be preserved by the division of the court into two branch tribunals for the trial of actions. I would accordingly propose that all other civil courts be absorbed in the high court, that district registries should be established in the place of the present county courts, that costs should be graduated on scales varying with the amount claimed, and that a superior and an inferior branch of the court should be established for the hearing of all matters which necessitate a trial, the superior branch to be presided over by a judge of the standing of the present judges of the high court, and the inferior branch presided over by a judge of the standing of the present county court judges. A comparison of the procedure in the different courts would enable the proper authorities to draw up a consolidated code of practice, which would include those rules from each system which had been found to

work best. In my opinion the practice in the high court is much to be preferred to that of the county court. The simple and speedy method of obtaining judgment in default of appearance and upon summons under Order XIV. in the case of specially endorsed writs, renders the high court a far more efficient instrument for enforcing payments of debts. The county court practice necessitates in the case of even undefended actions the preparation for trial, and the attendance of the plaintiff and his witnesses to give evidence at the hearing, and the consequent loss of time. It is true that in such cases the plaintiff may issue a default summons, but this involves the filing in the first instance of an affidavit, and a debtor who wishes to delay his creditor will in most cases at the end of the sixteen days give notice of intention to defend, and the plaintiff will then suffer more delay than if he had in the first instance asked for an ordinary summons. The practice in the county court of making orders for payment by instalments is, I think, an undue interference with the liberty of the creditor, who has probably exhausted this method of obtaining payment before resorting to the court; the debt was contracted on the basis of immediate payment, and unless the plaintiff choose to forego his strict rights he should be allowed to take the immediate fruits of his judgment, such as they may be. Pleadings would probably be abolished, in part, if not altogether; if it should be deemed desirable that they should be retained in large actions only, there would be no provision for the costs of them on the lower scales. Perhaps some method of settling the issues similar to that prevailing in the Scotch courts might be substituted for pleadings, or a summons for directions might be a preliminary step after appearance. Actions would be entered for trial in one or other branch of the court according to definite rules, which would be based, subject to special order of the court, upon the amount of the claim. Some of the district registries might be excepted from jurisdiction in certain matters, in the same way that Bankruptcy and Admiralty are now confined to selected county court districts. The inferior branch tribunal would give practically continuous sittings throughout the country for the trial of a large proportion of the matters which are litigated, and there is no reason why many of the matters which are now tried at *Nisi prius* should not be decided by the lower branch —for instance, a considerable proportion of the time of the judges of the Queen's Bench Division is taken up with the trial of actions, such as those for personal injuries and breach of promise of marriage, which rarely involve any question of law, certainly none more complex than those that come before the county court judges under the Employers' Liability Act, and in bankruptcy and company winding-up, and if these were by special order entered for trial in the inferior branch it would relieve the superior branch from such a state of congestion as is now chronic in the Queen's Bench Division. The power of remitting actions for trial in the county court is but an unsatisfactory expedient for relieving the high court, as the power does not apply to actions for unliquidated damages even when a definite sum is claimed (*Knight* v. *Abbott*, 10 Q.B. Div. 11), and actions for liquidated demands are in most instances disposed of under the summary process in the high court. Moreover a special order for remittal is required, and the fees payable on entry in the county court are the same as if the action had been originally commenced in such court, and the parties are consequently mulcted in a double set of costs. It is certainly an anomaly to provide that an action shall be commenced in another court from that in which it is to be tried. The expedient of allowing an action to be commenced in one court and then depriving the successful plaintiff of costs because he did not sue in an inferior court has always appeared to me to be vicious in principle; if it is wrong to bring the action in the high court, it should be impossible to do so. No such question could arise were the courts amalgamated. The superior advantages which the high court gives by way of specially indorsed writ, however, cause it largely to be resorted to in cases of claims for liquidated demands, in spite of the rules depriving plaintiffs of high court costs where less than £50 is recovered, and this practice has received judicial approval and authority, and a fixed scale of costs is recognised on taxation (*Evans* v. *Edwards*, and *Bye* v. *Kirkby*, and other cases, *Law Times*, vol. lxxvi. p. 58). Besides the objections to the county court system I have already mentioned, there are the largeness of the court fees and the inadequacy of the professional remuneration. Naturally this objectionable feature renders the county court anything but popular with the profession. To commence an action for £20 in the county court involves the expenditure of 21s. for the court fee, whilst a writ for that amount in the Salford Hundred Court of Record costs 2s. 6d., and a writ for any amount in the high court costs 10s. only. The probability is that the solicitor will have more trouble in preparing and issuing a plaint for a small amount in the county court, for which the fee allowed is 4s., than in the preparation and issuing of a writ in the high court. No wonder the bulk of solicitors consider the county court a nuisance. By the direction of the legal business of the country through one channel we should secure greater economy and simplicity, both of which tend to the reduction of fees and costs. One court involves only one set of officials and working expenses; one system of practice would relieve the mind and memory of the practitioner from the study and retention of some portion of the bulky mass of details known as practice law. We should be rid of many vexatious questions as to jurisdiction and costs. Such cases as *Harris* v. *Judge* (C. A. 1892, 2 Q.B. 565), decided as to the relative jurisdiction and costs of the two courts in remitted actions, would become of as little practical interest as the record of a fine or common recovery. The lower bench would become a natural step to promotion to the upper bench, and the impassable gulf which at present appears to exist between a county court judgeship and the more honourable appointment to the high court would disappear. The administration of the law would rise in public esteem. It is a common thing for a candidate for the City Council to receive a communication from a constituent asking whether, if he be elected, he will vote for the abolition of the Salford Hundred Court of Record. No candidate would be required to pledge himself to vote for the abolition of the judicial system of the country. It would be outside the scope of this paper to enter into any discussion of other matters relating to the administration of the law which have been suggested, such as the questions of the Long Vacation and continuous sittings in the provinces. The new assize arrangements will come into effect next month, and will be watched with interest. At the same time I would point out that we have at present continuous sittings in Manchester and Liverpool for the trial of local Chancery matters, and that under the suggested amalgamation the Chancery of Lancashire would be absorbed in the high court. If Lancashire can command continuous sittings for part of its Chancery business, I feel sure that there is a demand for continuous sittings in Common Law. Addressing to-day an audience of experts, it is unnecessary to take up time with an elaborate or exhaustive train of argument; the presentation of the scheme to you will suggest to you its merits or demerits. The great difficulty is to get any scheme carried into effect. Some three years ago the scheme I have outlined passed through my mind, and I subsequently communicated the substance of this paper to his Honour Judge Chalmers, who wrote me as follows: "I do not see that I can do anything to further the reforms you suggest. The matters you refer to were fully discussed by the Judicature Commissioners in their third [should be second] report, and if the recommendations of a powerful Royal Commission are of no avail, I do not see what individuals can do." Since then, in the Session of 1891, Mr. Atherley Jones gave notice in the House of Commons of a resolution bearing upon the question of the reform of legal procedure, which was to have been seconded by Mr. Pitt Lewis. On the motion coming on there was a count-out; Mr. Pitt Lewis, however, undaunted by this apparent indifference, prepared a Bill on the lines of the recommendations of the Judicature Commissioners, whose report was dated July 3, 1872. I am not aware that any progress was made with this Bill. As a matter of fact, I believe that Parliament alone is not the best instrument of legal reform, but that a body of experts should be constituted into a permanent Commission, which should prepare schemes of reform for Parliament to legalise. If, however, a voice from the ranks of our profession can gain the ear of this eminent society, an important step will have been taken towards the unification of our judicial system.

THE BUSINESS OF LAW ADMINISTRATION.

Mr. WM. SIMPSON (Leicester) read a paper on this subject.

The VICE-PRESIDENT observed that both the papers emphasized views which had been advocated by the council for some time past. The report of a committee of the council concluded by expressing the opinion that the courts ought to be open all the year round. The suggestion of Mr. Simpson that there should be a board to enact regulations from time to time in order to keep the machinery on a level with the necessities of the suitors had been proposed by the same committee, who had said that, having regard to the waste of suitors' money in obtaining decisions on new rules, they cordially approved of a suggestion by Mr. Snow that there should be a permanent rule clerk of committee appointed to assist in preparing new rules. The committee had expressed a hope that he would become a centre to whom suggestions and complaints should be addressed, which he should bring periodically before the Rule Committee, who might make the necessary or expanded rule, and relieve suitors from applying to the courts to put an interpretation on a rule of court a few weeks old. So these two points had been under the consideration of the council, and therefore of the judges, for two years past. Regarding Mr. Bland's paper, he called attention to a paper read before one of the provincial meetings by Mr. Munton in which it was proposed that every court of civil procedure in England should be treated as a branch of the High Court of Justice, that every summons regarding payment of a debt should be identical in claim, that the time allowed for payment should be the same in all cases, that a uniform system of procedure should be adopted under the Debtors Act, that the *onus* of proof that he could not pay should fall upon the debtor, and so on. He thought one might fairly say that substantially the whole of the suggestions in these papers were repetitions and enforcements of suggestions which had been before the council before, and which they had never ceased to take every opportunity of enforcing upon the judges and the Government.

A CRITICISM OF THE DECISION OF THE COURT OF APPEAL IN RE STUART, EX PARTE CATHCART.

In the Large Hall, the PRESIDENT in the chair, Mr. HASTIE read a paper with this title.

THE LAW OF THE FOREST.

Mr. DODD read a paper on this subject.

THE APPRECIATION OF GOLD AND ITS PROBABLE EFFECT UPON INVESTMENTS.

Mr. A. G. ELLIS (London) read a paper upon this subject.

OLD AND MODERN LEGAL FUNCTIONS.

Mr. W. PIERCE (Liverpool) read a paper with this title.

Votes of thanks to the readers of papers, and to the various gentlemen, societies, &c., who had assisted in making the meeting a success were agreed to, and the business proceedings terminated.

A ball was given in the evening at Manchester Assembly Rooms, and a dinner at Salford Town Hall, the Mayor (Mr. Keevner) presiding. On Tuesday and Wednesday arrangements were made for enabling the members to visit several mills and works, and on Thursday there were excursions to the Ship Canal and to Chatsworth and Haddon.

BRISTOL INCORPORATED LAW SOCIETY.

The following are extracts from the report of the council:—

The Land Transfer Bill.—The Land Transfer Bill has been the subject

of much consideration on the part of the council, and a committee was appointed to watch and report on the Bill in its various stages. The Bill has passed the House of Lords, and has been read the first time in the House of Commons, and there is reason to think that it is one of the Bills for the consideration of which the Government will afford opportunity in the Autumn Session. The council sent a memorial against the Bill in its present form, especially as regards its compulsory provisions, signed by members of the profession in this district to Sir Edward S. Hill, K.C.B., the member of Parliament for Bristol South, who has promised that he will endeavour to obtain a full discussion of the Bill on its second reading. A joint committee of the Incorporated Law Society U.K. and the Associated Provincial Law Societies, on which the president of this society and Mr. Sturge were elected as members, was formed in London, and submitted to the Lord Chancellor the objections of the profession against the Bill.

Incorporated Law Society U.K.—The council propose to invite the Incorporated Law Society U.K. to hold the annual provincial meeting for 1894 in Bristol. The last time the provincial meeting was held in Bristol was in the year 1877.

MANCHESTER INCORPORATED LAW ASSOCIATION.

The annual general meeting of the members of the association was held on Tuesday, the 25th of July last, at their rooms, Kennedy-street, when an account of the receipts and disbursements (previously audited by two of the members) was submitted and passed, and the officers and committee were elected for the ensuing year.

The following are extracts from the report of the committee:—

Members.—The association now consists of 247 members, 28 new members having been elected during the year. With a view to extending the influence of the association the president addressed a circular to local solicitors, who were not already members, suggesting the desirability of their joining the association, and it is mainly owing to his exertions that the above satisfactory result has been attained. The committee hope that all members will use their influence to induce all local solicitors to join the association.

Solicitors sharing commissions with brokers, estate agents, and others.—A requisition, signed by 78 solicitors, members of the association, was presented to the committee asking for their advice and opinion whether the receipt of remuneration by a solicitor unknown to his client in addition to payment by the client, or otherwise by participation in the profits of a third party, such third party not being a solicitor, was right or proper, to which the committee replied that in their opinion such conduct was improper.

Legal procedure.—During the past year Her Majesty's judges have had under consideration in council the reform of judicial procedure, and have prepared an important report upon the subject, and passed resolutions embodying a scheme for amending the defects that in their opinion exist in the present system. The report and resolutions were very carefully considered by the committee, who drew up a report thereon. The Liverpool Chamber of Commerce in connection with this subject drafted a Bill, the object of which was to secure continuous sittings for Lancashire, and the committee, after securing the co-operation of the Manchester Chamber of Commerce, joined in the endeavours that were made for getting the Bill proceeded with in Parliament. A large and influential deputation, consisting of the Mayors of Liverpool and Manchester and representatives of the Corporations and Chambers of Commerce of the two cities, as well as of several important and influential mercantile bodies, and of the law societies of Liverpool and Manchester, and introduced by Sir Henry James, Q.C., M.P., and supported by nearly all the local and county members of Parliament, waited upon the Lord Chancellor on the 8th of February last to urge him to give support to the Bill, but while expressing his sympathy with the desire to improve the administration of justice in the county, his lordship intimated that he could only render assistance so far as it could be obtained without legislation. The Lord Chancellor has since submitted to the association certain proposed alterations in the assize arrangements for Lancashire and the mode of effecting the same, and the matter is still under consideration.

Land Transfer Bill, 1893.—This Bill having been introduced into the House of Lords by the Lord Chancellor the committee was represented at the meeting of the Associated Provincial Law Societies held at the Law Institution, London, on the 14th of April, 1893, with a view of co-operating with the other societies in opposing the Bill. At this meeting, after the Bill had been discussed, an executive committee was appointed (on which this association was represented) with instructions to take steps to oppose the Bill in both Houses of Parliament. A conference between this executive committee and the Incorporated Law Society was afterwards held, which resulted in the appointment of a small deputation to wait upon the Lord Chancellor, who, after paying great attention to the representations made on the subject, stated that whilst he must decline to accede to the request (strenuously urged upon him) to refer the Bill to a Select Committee with authority to take evidence, he would be glad to receive a statement of the views of the law societies and would carefully consider any fact which might be laid before him. Observations and reports from the Land Transfer Committee and several of the provincial law societies were accordingly prepared and presented to the Lord Chancellor through the London society. These observations and reports appear in the appendix to the society's annual report just issued, but unfortunately they have proved insufficient to convince the Lord Chancellor of the objectionable character of the Bill and of its compulsory clauses—inasmuch as without further comment the Bill has been referred to the Standing Committee of the House of Lords.

ASSOCIATION FOR THE REFORM AND CODIFICATION OF THE LAW OF NATIONS.

A conference of this association was opened on Tuesday at the Guildhall. The LORD MAYOR, who presided during the first part of the proceedings, remarked that the last time such a gathering took place in London was in the Jubilee year. Having expressed his sympathy with the objects of the association he moved the election of Dr. Friedrich Sieveking (president of the Hanseatic High Court of Appeal, Hamburg) as president of the conference. Sir CHARLES HALL, Q.C., M.P. (Recorder of the City of London), seconded the motion, which was carried unanimously The newly-elected President said that the object of their association since its foundation had been to bring about, as far as possible, without the interference of legislation, a closer understanding between the nations on those questions of law the solution of which governed their international and especially their commercial intercourse. One of these questions, that of the bill of lading, would again form the main part of this year's work. It had occupied the attention of their meetings since 1882. The difficulty of dealing with this question was illustrated by the fact that more than ten years had elapsed without their having been able to reconcile the various interests concerned. On the other hand, the necessity of getting at a satisfactory solution was very clear. If they left matters as at present, the equilibrium between the interests of the shipowners and the cargo owners would surely be gradually restored by the economical laws of supply and demand. But then it was to be feared that the parties who felt aggrieved by the actual state of matters would try to invoke the intervention of legislation in order to protect them against grievances which they had strong reasons to declare to be unsupportable. In his opinion it would be far better to try to bring about a reconciliation of the different interests on a sound and equitable basis. This they had endeavoured to do, and, looking at the history of the proceedings of the association in this matter, he believed it would be possible to obtain a satisfactory result, because from the very beginning all the parties interested had shown themselves ready to negotiate on the basis of reason and equity.

Sir WALTER PHILLIMORE presided at the afternoon sitting, when Dr. EVANS DARBY read a paper on international arbitration. A paper was to have been read on the same subject by Signor CORSI (Genoa), but a letter was read from him expressing his inability to be present, and suggesting the appointment of a committee to draw up a scheme of international arbitration treaty for presentation at the next conference. A motion in favour of such action being taken was agreed to.

On Wednesday, with regard to the bills of lading question, which has occupied the attention of the conferences for ten years, the executive council reported that a committee representative of all interests had during the past year met to consider the subject, and draft rules of affreightment had been drawn up and passed. These enumerated the conditions under which the shipowners were to be responsible for loss or damage to cargoes as well as their exemptions from liability. A resolution on the subject was agreed to in principle and referred to a committee of experts, to consider the exact form in which it should be finally passed. A long discussion followed, and eventually all the draft rules were approved with certain modifications.

LAW STUDENTS' JOURNAL.

LAW STUDENTS' SOCIETIES.

LAW STUDENTS' DEBATING SOCIETY.—Oct. 3—Mr. Percy Marshall in the chair—The following motion was discussed:—"That the employment of the military in connection with the recent colliery riots was unjustifiable." Mr. Arthur Smith opened, and Mr. Joseph opposed, the motion. The following gentlemen also spoke:—Messrs. Archer White, Chaplin, Daniells, Lay, Miller, Henderson, Tebbutt, Herbert-Smith, Nimmo, Gireen, Harcourt, Kinipple. Mr. Archer White replied. The motion was lost by seven votes.

Oct. 10.—Mr. Watson, in the absence of Mr. Harcourt, in the chair.—The subject for debate was: "That the case of *Barber* v. *Penley* (1893, 2 Ch. 447) was wrongly decided." Mr. Thomas Douglas opened in the affirmative. He was seconded by Mr. Christie. Mr. H. Harcourt, in the absence of Mr. Marshall, opened in the negative, and was seconded by Mr. Blagden for Mr. Thompson. The following gentlemen also spoke: Messrs. Arthur Smith, T. Lay, Nevill Tebbutt, C. H. Laurence-Aldar, Harry Watkins, Nimmo. Mr. Douglas having replied, and the chairman having summed up, the motion was carried by two votes. There were twenty-one members and one visitor present.

It is stated that Sir Richard Webster sailed on Wednesday from New York for England.

Messrs. Edwin Fox & Bousfield announce that they will offer for sale on the 1st of November at the Mart, Takenhouse-yard, an entire freehold adventurer's share in the New River Co. The disposal by public auction of such a property is of very rare occurrence, and prior to 1888 these shares—of which there were originally only thirty-six—were held almost exclusively by private persons.

LEGAL NEWS.

APPOINTMENTS.

Mr. Arthur Hugh Adcock, solicitor, Birmingham, has been appointed a Commissioner for Oaths. Mr. Adcock was admitted in May, 1887.

Mr. Whately Charles Arnold, LL.B., solicitor, 1, Gresham-buildings, E.C., has been appointed a Commissioner for Oaths. Mr. Arnold was admitted in July, 1886, after passing the Final Examination with honours.

Mr. Frederic Walter Beck, solicitor, Luton, has been appointed a Commissioner for Oaths. Mr. Beck was admitted in May, 1887.

Mr. Richard Griffiths Benbow, solicitor, Bromyard, has been appointed a Commissioner for Oaths. Mr. Benbow was admitted in October, 1886.

Mr. Augustus Montague Bradley, solicitor, Dover, has been appointed a Commissioner for Oaths. Mr. Bradley was admitted in November, 1886, after passing the Final Examination with honours.

Mr. George Francis Berney, solicitor, 1, Quality-court, Chancery-lane, W.C., has been appointed a Commissioner for Oaths. Mr. Berney was admitted in November, 1882, after passing the Final Examination with honours.

Mr. Alexander Watson Birkett, solicitor, Liverpool, has been appointed a Commissioner for Oaths. Mr. Birkett was admitted in March, 1885.

Mr. Horace Ralph Burch, B.A. Oxon, solicitor, Exeter, has been appointed a Commissioner for Oaths. Mr. Burch was admitted in August, 1884. He is honorary secretary to the Devon and Exeter Law Society.

Mr. Christopher Brady, solicitor, Birmingham, has been appointed a Commissioner for Oaths. Mr. Brady was admitted in July, 1887.

Mr. James Bygott, solicitor, Middlewich, has been appointed a Commissioner for Oaths. Mr. Bygott was admitted in May, 1887.

Mr. John Frederick Spencer Cridland, solicitor, 215, Piccadilly, W., has been appointed a Commissioner for Oaths. Mr. Cridland was admitted in November, 1883.

Mr. Robert Cook, solicitor, Manchester, has been appointed a Commissioner for Oaths. Mr. Cook was admitted in April, 1886.

Mr. Wm. Edwin Pitfield Chapple, solicitor, Axminster, has been appointed a Commissioner for Oaths. Mr. Chapple was admitted in March, 1886.

Mr. Harold Augustus Farman, solicitor, 2, Bucklersbury, E.C., has been appointed a Commissioner for Oaths. Mr. Farman was admitted in April, 1887.

Mr. Joseph Henry Field, LL.B. Lond., solicitor, Cardiff, has been appointed a Commissioner for Oaths. Mr. Field was admitted in April, 1887. He is a notary public.

Mr. Edward Henry Granger, solicitor, Leeds, has been appointed a Commissioner for Oaths. Mr. Granger was admitted in December, 1886.

CHANGES IN PARTNERSHIPS.

Dissolution.

John Williamson Brown and John Williamson Brown, jun., Newcastle-upon-Tyne (Forster, Brown, & Forster), solicitors. Sept. 30. The said business will henceforth be carried on under the said style or firm of Forster, Brown, & Forster by the said John Williamson Brown, jun. [*Gazette*, Oct. 6.

The firm of Busby & Davies, solicitors, at Chesterfield, has amalgamated with the firm of R. L. Devonshire & Monkland, solicitors, of 1, Frederick's-place, Old Jewry, London. The joint business will be carried on at Chesterfield under the style of Busby, Davies, Sanders, & Co., and in London under that of Devonshire, Monkland, Davies, & Sanders. The present partners are Mr. Robert Llewellyn Devonshire, Mr. Francis George Monkland, Mr. Dixon Henry Davies, and Mr. Henry Archibald Sanders.

GENERAL.

The *St. James's Gazette* announces the death of Mr. C. J. Cooper, banker, solicitor, and Town Clerk of Much Wenlock, Shropshire, on the 5th inst.

Sir Horace Davey disembarked at Plymouth this week from the steamer "Grantully Castle," and, accompanied by his two daughters, went on to London.

According to the *Medical Press and Circular*, a young lady of Newark, while dancing a few nights ago, fell and broke her leg, and she has now commenced an action for damages against her partner, to whom she attributes the cause of the accident. Her statement of claim is based on the allegation that the gentleman on the unfortunate occasion exhibited so much clumsiness that her fall was entirely due to him.

It is stated that, by an order dated the 1st of August, 1893, Mr. Justice Stirling decided that if the consent of the Marchioness of Ailesbury to the sale of the Savernake Estate were not produced to Lord Iveagh by the 29th ult. Lord Iveagh would be at liberty to rescind the contract for the purchase. The *Marlborough Times* states that: "Lady Ailesbury's assent not having been produced, Lord Iveagh has under the terms of the order rescinded the contract; but we understand also that Lord Ailesbury has given notice of appeal against Mr. Justice Stirling's order, and that the case will probably be heard in November, so that the decision of the Court of Appeal may still affect the question of the sale."

The following are the arrangements made by the judges of the Queen's Bench Division for holding their courts during the ensuing Michaelmas Sittings—viz.:—There will be three courts formed to sit in Banco, the first of which will be composed of the Lord Chief Justice, Lord Coleridge, and Mr. Justice Charles; the second will consist of Justices Hawkins and Wright; and the third of Justices Day and Collins. Six courts will be constituted to try special, common, and non-jury cases in the Middlesex list, the judges being Justices Mathew, Cave, Wills, Grantham, Williams, and Lawrance. Baron Pollock and Mr. Justice Kennedy will be the judges who will try London cases at the Guildhall, and Mr. Justice Bruce will be the judge at chambers.

The following are the arrangements made for the hearing of probate and matrimonial causes during the ensuing Michaelmas Sittings, viz.:—Probate and defended matrimonial cases for hearing before the court itself will be taken from Tuesday, the 24th inst., until Saturday, November 11, inclusive. These cases will form one list, and will be taken in the order in which they are set down. Common jury probate and matrimonial cases will be proceeded with from Tuesday, November 14, until Saturday, November 18, inclusive, and will form one list. Special jury probate and matrimonial cases will be taken from Tuesday, November 21, until Saturday, December 16, inclusive, and will form one list. Undefended matrimonial causes will be taken after motions each Monday during the sittings, and on the 19th, 20th, and 21st of December summonses before the judge will be heard at 11 o'clock, and motions will be heard in court at 12 o'clock on Monday, October 30, and every succeeding Monday during the sittings. Summonses before the registrars will be heard at the Probate Registry, Somerset House, on each Tuesday and Friday during the sittings at 11.30.

COURT PAPERS.

CIRCUITS OF THE JUDGES.

The following Judges will remain in town:—Mathew, J., Wills, J., Grantham, J., Lawrance, J., Bruce, J., Kennedy, J., during the whole of the Circuits; the other Judges till their respective Commission Days.

AUTUMN ASSIZES, 1893.

Commission Days.	S. Eastern.	N. Eastern.	Western.	Oxford.	Northern.	Midland.	N. & S. Wales and Chester.
	Lord Coleridge, L.C.J. of England.	Pollock, B. Vaughan Williams, J.	Hawkins, J.	Cave, J.	Day, J. Wright, J.	Charles, J.	Collins, J.
Wednesday, Oct. 25	Cambridge		Devizes		Carlisle		Carnarvon
Saturday, „ 28	R. S. Edmunds		Dorchester		Lancaster		Ruthin
Wednesday, Nov 1			Wells		Manchester 2 (Civil & Crim.)		Chester
Thursday „ 2	Norwich		Bodmin				
Monday „ 6			Exeter				Carmarthen
Tuesday „ 7							Brecon
Wednesday „ 8	Chelmsford						Cardiff
Friday „ 10						Aylesbury	
Monday „ 13	Hertford				Liverpool 2 (Civil & Crim.)	Bedford	
Tuesday „ 14			Winchester				
Wednesday „ 15						Northampton	
Thursday „ 16	Maidstone						
Friday „ 17		Newcastle				Leicester	
Saturday „ 18							(Civil Business)
Tuesday „ 21		Durham	Bristol				
Wednesday „ 22						Lincoln	
Thursday „ 23							
Friday „ 24	Lewes						
Saturday „ 25			(End)				
Tuesday „ 28		York				Derby	
Wednesday „ 29					Manchester (Civil, to continue until finished)		(End)
Thursday „ 30							
Friday, Dec. 1	(End)						
Saturday „ 2		Leeds 2 (Civil & Crim.)				Nottingham	
Monday „ 4							
Tuesday „ 5						Warwick	(End)
Wednesday „ 6							
Saturday „ 9							
Thursday „ 21		(End)					

BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS.

DUNNE.—Oct. 4, at 23, Seymour-street, W., the wife of Arthur M. Dunne, barrister-at-law, of a son.

HERKOMER.—Oct. 7, at Dyreham, Bushey, Herts, the wife of Professor Hubert Herkomer, R.A., of a daughter.

STOKES.—Oct. 4, at 203, Balham High-road, the wife of Philip Stokes, barrister-at-law, of a daughter.

MARRIAGES.

BATESON—LATHAM.—Oct. 10, at the Church of St. John the Evangelist, Holborn, Alexander Dingwall Bateson, of the Inner Temple, to Isabel Mary, youngest daughter of Wm. Latham, of Lincoln's-inn, Q.C.

CHITTY—LATHAM.—Oct. 4, at Zurich, Charles William Chitty, barrister-at-law, Judge of the Small Cause Court, Bombay, to Helen Mary, eldest daughter of F. L. Latham, of Gad's Hill-place, Rochester, Advocate-General of the Bombay Presidency.

GREENWOOD—STEWART.—Oct. 4, at Christ Church, Broad-green, Croydon, Ernest Walter Greenwood, of 12, Serjeants'-inn, Temple, to Jessie, daughter of Charles Stewart, of Fairfield, Thornton Heath, Surrey.

LOWDELL—KNIGHT.—Oct. 4, at St. James's Church, Park-hill, Clapham-park, Henry D. Lowdell, of Clovelly, Elmfield-road, Balham, eldest son of Henry Douglas Lowdell, solicitor, of Brighton, to Lizzie Florry Knight, only child of the late John Godfrey Knight, of Clapham, and stepdaughter of Albert Edward Harris, of Merton Lodge, Park-hill, Clapham-park.

WINDING UP NOTICES.

London Gazette.—FRIDAY, Oct. 6.

JOINT STOCK COMPANIES.

LIMITED IN CHANCERY.

ABELL'S ELECTRICAL ENGINEERING CO, LIMITED—Creditors are required, on or before Nov 15, to send their names and addresses, and particulars of their debts or claims, to Frederick William Marsh, Bank chbrs, Hardshaw st, St Helens

G. E. FRODSHAM, LIMITED—Petn for winding up, presented Oct 3, directed to be heard on Oct 18. Freeman & Bothamley, 13, Queen st, Cheapside, solors for petners Notice of appearing must reach the abovenamed not later than 6 o'clock in the afternoon of Oct 14

PENTRE HALKIN MINING CO, LIMITED—Creditors are required, on or before Oct 21, to send their names and addresses, and particulars of their debts or claims to Joseph Wild, Wood Side, Hyde, Chester. Hibbert & Westbrook, Hyde, solors for liquidator

TALK NEWSPAPER PUBLISHING CO, LIMITED—Creditors are required, on or before Nov 18, to send their names and addresses, and particulars of their debts or claims, to Ernest M. Harwar, Granville House, Arundel st, Strand Tatham & Co, Queen Victoria st, solors for liquidator

London Gazette.—TUESDAY, Oct. 10.

JOINT STOCK COMPANIES.

LIMITED IN CHANCERY.

"ETHELBERT" STEAMSHIP CO, LIMITED—Creditors are required, on or before Dec 1, to send their names and addresses, and particulars of their debts or claims, to Joseph Benbrick Foley, 116, Fenchurch st. Stocken, Lime st, solor for liquidator

H. T. WESTON & CO, LIMITED (Sheffield, General Drapers)—Creditors are required, on or before Nov 18, to send their names and addresses, and particulars of their debts or claims, to Joshua Jones, 39, York st, Manchester Crofton & Craven, Manchester, solors for liquidator

IPSWICH ELECTRICITY SUPPLY CO, LIMITED—Petn for winding up, presented Oct 6, directed to be heard on Oct 25. Cheese & Green, 123, Pall Mall, solors for petner. Notice of appearing must reach the abovenamed not later than 6 o'clock in the afternoon of Oct 24

LONDON AND WEST OF ENGLAND CONTRACT CO, LIMITED—Creditors are required, on or before Nov 14, to send their names and addresses, and particulars of their debts or claims, to William Bagot Harte, 37, Walbrook

PRITCHARD, OFFOR, & CO, LIMITED—Petn for winding up, presented Oct 5, directed to be heard on Oct 25. Walker & Co, 61, Carey st, agents for Weightman & Co, Liverpool, solors for petners. Notice of appearing must reach the abovenamed not later than 6 o'clock in the afternoon of Oct 24

PYN-KA SYNDICATE, LIMITED—Creditors are required, on or before Nov 10, to send their names and addresses, and particulars of their debts or claims, to Samuel Turner Loader and Henry Hadida, 41, Lord st, Liverpool. Leslie, Liverpool, solor for liquidators

SHIRLEYWICH SALT WORKS CO, LIMITED—Creditors are required, on or before Nov 21, to send their names and addresses, and particulars of their debts or claims to Stanley Pearson, 13, Spring gardens, Manchester. Marriott & Co, Manchester, solors for liquidator

CREDITORS' NOTICES.

UNDER ESTATES IN CHANCERY.

LAST DAY OF CLAIM.

London Gazette.—FRIDAY, Oct. 6.

PARKER, RICHARD JAMES, Manchester, Manufacturer Nov 4 Dixon v Parker, Registrar, Manchester Chorlton, Manchester

UNDER 22 & 23 VICT. CAP. 35.

LAST DAY OF CLAIM.

London Gazette.—TUESDAY, Sept. 26.

ADAIR, GEORGE LLOYD WILLIAM, Wyndham pl, Bryanstone sq, retired Commander R N Nov 20 Woodrooffe & Burgess, New sq, Lincoln's inn

ATKIN, WILLIAM, Skiffington, Leics, Gent Nov 6 Williams, Leicester

BOUVERIE, WALTER PLEYDELL, Redhill, Surrey, Esq Tylee & Co, Essex st, Strand

BROWN, GEORGE, York, Commercial Traveller Nov 1 Spink & Brown, York

BRYAN, MARGARET, Whitby Oct 21 Buchannan & Sons, Whitby

BUCK, FRANCIS, Harrogate, Gent Oct 11 Gill, Knaresborough

BURT, EDMUND HENRY, Birmingham, Coppersmith Oct 31 Clarke & Co, Birmingham

CHAPPELL, FREDERICK MOSES, Hoylake, co Chester, Licensed Victualler Oct 23 Thompson & Hughes, Birkenhead

CLARKE, EDWARD, Macclesfield Nov 4 Littlewood, Essex st, Strand

CUST, BROWNLOW ORLANDO, Ellesmere, Salop, Esq Oct 31 Rooper & Whately, Lincoln's inn fields

DANIEL, JOHN LAURENCE, Knaresborough, Yorks, Gent Oct 12 Gill, Knaresborough

DUNDERDALE, RICHARD, Rawtenstall, Lancs, Commercial Traveller Oct 12 Teebay & Lynch, Liverpool

EARDLEY, EDWARD SAMPSON EARDLEY COUSINS, Station rd, Finchley, Gent Oct 31 Howard & Shelton, Tower chmbrs, Moorgate

EARNSHAW, THOMAS, Sheffield, Fish Merchant Nov 1 Branson & Son, Sheffield

EDE, WILLIAM BENNETT, Hastings, Collector Oct 30 Meadows & Co, Hastings

EYERS, ELIZABETH ANN, Percy rd, Shepherd's Bush Oct 21 Stringer, Chancery lane

FANNING, ROBERT JOHN, Chester, County Court Auditor Oct 22 Glynne & Co, Bangor

FLETCHER, BLANCHE, Staveley, co Derby Dec 24 Alderson & Co, Sheffield and Eckington

FLETCHER, RUTH, Staveley, co Derby Dec 24 Alderson & Co, Sheffield and Eckington

HALL, EDWARD, Dalton in Furness, Lancs, Surgeon Oct 28 Butler & Sons, Dalton in Furness

HARTLEY, EMMA, Southwark Bridge rd Oct 12 Elliott, Verulam bldgs, Gray's inn

JOHNSON, THOMAS WARD, Stockport, Solicitor Nov 1 Johnsons, Stockport

KNIGHT, KEMPSTER WALTER, Worthing, Bookseller Oct 30 Verrall, Worthing

LEDRAY, DAVID, Hunslet, nr Leeds, Rope Maker Oct 16 Foster, Leeds

MESSENGER, EMMA THORNTON, Stirling Mansions, Canfield gardens Oct 27 Hopgoods & Dowson, Whitehall place

MILLER, JANE, Osnaburgh st, Regent's Park Dec 15 Fielder & Sumner, Godliman st, Doctor's Commons

PALMER, ARTHUR, Brighton, Barrister at Law Nov 1 Nye & Treacher, Brighton

PALMER, HENRY, Missoorie, North West Provinces of India, retired General in Bengal Staff Corps Nov 1 Crosse & Sons, Lancaster pl, Strand

PETER, HARRIET JANE, Stockwell rd Oct 31 Upton & Co, Austinfriars

PRICE, EDWARD, Clent, Worcs, Farmer Dec 1 Harwards & Co, Stourbridge

RIGBY, JAMES, Overton, Frodsham, co Chester, Gent Dec 1 Linaker & Linaker, Runcorn

ROBINSON, SAMUEL, Leeds, Potato Merchant Oct 18 Foster, Leeds

ROOPER, Rev WILLIAM HENRY, Bournemouth Oct 31 Rooper & Whately, Lincoln's inn fields

SNAPE, THOMAS, Warwick, Gent Nov 1 Chadwick & Son, Warwick

SQUIRE, EDWARD, Leeds, Innkeeper Oct 16 Gill, Knaresbrough

SWINFEN, JOHN, Maidstone, Gun Maker Oct 30 Day, Maidstone

TEALE, WILLIAM, Philbeach gardens, Earl's Court, Clerk in Holy Orders Nov 1 Chanter & Co, Wotton under Edge

WAGSTAFFE, LAVINIA, Glossop, co Derby Oct 30 Davis, Glossop

WELLESLEY, Rt Hon AUGUSTA SOPHIA ANNE, Andover, Wilts Nov 6 Farrar & Co, Lincoln's inn fields

WOOD, THOMAS, Rochdale, formerly Innkeeper Nov 1 Brierley & Hudson, Rochdale

London Gazette.—FRIDAY, Sept 29.

BAKER, ROBERT, Rochester, Kent, Gent Nov 9 Scott, Austinfriars

BARBER, SARAH, Soham, Cambs Nov 1 Ginn & Matthew, Cambridge

BEHREND, SAMUEL HESSEY, Bucklersbury, Solicitor Nov 1 Williams & Co, Old Broad st

BRUNNER, Rev GEORGE EDWARD, Thurlaston, Leics, Clerk Nov 1 Freer & Co, Leicester

BUCKMASTER, THOMAS, Grove rd, Brixton, Esq Nov 30 Kennedy & Co, Clement's inn, Strand

BURNE, CHARLOTTE ANNA, Eccleshall, Staffs Nov 4 Burne & Wykes, Lincoln's inn fields

CLAYTON, WILLIAM, Old Lenton, Nottingham, Coal Merchant Nov 1 Browne & Son, Nottingham

DICKSON, JOHN ROBERT, Plumber's row, Whitechapel, Brass Founder Oct 14 Tiddiman & Enthoven, Finsbury sq

DUNCOMBE, EDWARD WHARTON, King st, Baker st, Esq Oct 19 Evans & Co, Gray's inn square

DUFFIELD, GEORGE, Upper East Smithfield, Carman Oct 31 Moodie & Mills, Basinghall street

FIELDEN, JOHN, Dobroyd Castle, nr Todmorden, Yorks, Esq Oct 28 Kearsey & Co, Old Jewry

GARDNER, MARY, Reading Oct 26 Dean, Slough, Bucks

GATES, FERDINAND, Gatewycke, Steyning, Sussex, Gent Nov 10 Gates, Worthing

GIMBER, JOSEPH, Ashford, Kent, Storekeeper in S E Railway Works Nov 4 Mowll & Mowll, Ashford

GLISSAN, SARAH, the Nabb, nr Oakengates, Salop Oct 31 A G and H R Phillips, Shifnal

GRUNEBAUM, JOSEPH, Old Bond st, Cigar Merchant Nov 14 Grunebaum, Furnival's inn

HAMBY, HOWARD, Ipswich, Gent Oct 26 Josselyn & Sons, Ipswich

HEATON, WILLIAM, Manchester Oct 30 Sword, Hanley

HEYWOOD, ABEL, Manchester, Bookseller Nov 27 Crofton & Craven, Manchester

HOSKYNS, ELIZABETH LOUISA, Enderby, Leics Nov 1. Freer & Co, Leicester

HOWORTH, JAMES, Farnworth, Lancs, Ventilator Manufacturer Oct 27 Holden & Holden, Bolton

HUDSON, JOHN, Bradford, Painter Oct 30 Watson & Co, Durham

JAMESON, MARGARET, Ellerker, Yorks Nov 1 Burland & Macturk, South Cave

LACY, JOSEPH PATRICK, Liverpool, Baker Nov 3 Hime & Lamb, Liverpool

LAMB, WILLIAM THOMAS, Richmond, Surrey, Pawnbroker Nov 11 Nicknson & Co, Chancery lane

LANGTON, JOHN, Upper Richmond rd, Putney Nov 5 Moon & Co, Lincoln's inn

LANGTON, SOPHIA HONOR, Upper Richmond rd, Putney Nov 5 Moon & Co, Lincoln's inn fields

LAVINGTON, ELIZABETH, Rowde, Wilts Nov 11 Collins & Co, Trowbridge

MACDERMOTT, WILLIAM, Cornforth lane, co Durham, Surgeon Oct 30 Mawson, Durham

MADGIN, JAMES, Moray rd, Tollington park, Builder Nov 9 Scott, Austinfriars

MATTHEWMAN, JOSHUA PETER HEPWORTH, Doncaster, Gent Jan 1 Parkin & Co, Doncaster

McCoy, Thomas Robert, Southsea, Esq, Captain (retired) in the Army Nov 1 Hellard & Son, Portsmouth
Mills, Alice, Bury Oct 31 Butcher & Barlow, Bury
Mills, Edwin, Huddersfield, Ironfounder Jan 1 Mills & Co, Huddersfield
Neunhoffer, Louisa Mathilde, Heidenheim, Wurthemberg, Germany Oct 26 Rehder, Mincing lane
Raper, Benjamin, Doncaster, Lamp Shade Maker Nov 1 Verity & Baddiley, Doncaster
Rawlings, Charles, East Sheen, Surrey, Gent Nov 1 Rawlings & Rawlings, Clifford's inn
Savours, Richard Jenkin, Swansea, Licensed Victualler Nov 5 Jenkins, Aberavon
Sevier, John Ford, Cheltenham, Esq Nov 11 Bryan & Helps, Gloucester
Smith, Benjamin, Longford, Glos, Dealer Oct 31 Langley Smith, Gloucester
Snape, Thomas, Warwick Nov 1 Chadwick & Son, Warwick
Stott, Robert, Bury, Gent Oct 31 Butcher & Barlow, Bury
Taylor, Mary Ann, Small Heath, Birmingham Oct 26 Phillips, Birmingham
Wheelwright, John Wilkinson Hoyle, Rishworth, Halifax, Cotton Spinner Nov 7 John W Crossley, Halifax
Whiteley, William, Linthwaite, Almondbury, Yorks, Weaver Oct 23 Ramsden & Co, Huddersfield
Williams, George, Upper Wellhouse, Golcar, nr Huddersfield, Weaver Nov 1 Ramsden & Co, Huddersfield
Williams, Henry Hugh, Whitney, co Hereford, Clerk in Holy Orders Nov 4 Burne & Wykes, Lincoln's inn fields
Williams, William, Aberystwyth, Solicitor Dec 1 Joseph Davies, Aberystwyth
Winward, Ralph, Bolton, Tobacco Manufacturer Nov 21 Hulton & Co, Bolton
Wood, Emily Jane, Gloucester Houses, Hyde Park Nov 8 Gedge & Co, Old Palace yd, Westminster

London Gazette.—Tuesday, Oct. 3.

Armitage, Benjamin, Hoylandswaine, nr Penistone, Yorks, Farmer Nov 10 Dransfield & Hodgkinson, Penistone, nr Sheffield
Blood, Mary Ann, Edgbaston, Birmingham Nov 11 Snow & Atkins, Birmingham
Briggs, Ann Asquith, West Derby rd, Liverpool Nov 2 Claude Leatham & Co, Castleford, Yorks
Buckley, Edward, Oldham, Innkeeper Oct 28 R & J Ascroft & Co, Oldham
Carter, Henry, Southport, Grocer Oct 21 Neville, Liverpool
Clarke, Cornelius, Ipswich, Gent Oct 28 Block, Ipswich
Conquest, Ebenezer Cornell, Tyndale pl, Islington, Builder Nov 14 Bowker, Gray's inn sq
Cordrey, John, Brailsham, Waldron, Sussex, Gent Nov 7 Ingle & Co, Threadneedle st
Crow, Sarah Frances, Dover Nov 8 Lewis & Pain, Dover
Denton, Thomas, Southgate, Farmer Oct 11 Howard & Shelton, Tower chambers, Moorgate
Dennistoun, Alexander, Golfhill, Lanarkshire, Esq Oct 14 Bannatyne & Co, Glasgow
Ellidge, George, Leeds, Clothier's Manager Oct 12 Ford & Warren, Leeds
Ellis, Daniel, Salford, Stonemason Oct 31 Crofton & Craven, Manchester
Evans, Llewellyn, Pontypridd, Glam, Boot Maker Nov 8 W R Davies, Pontypridd
Gaddum, Edward Charles, Bowdon, co Chester Nov 18 Shipman & Milne, Manchester
Goodlake, Thomas Leinster, Wadley, Berks, Esq Nov 3 Crowdy & Son, Faringdon
Grange, James, Wilstone, Herts, Farmer Oct 31 Vaisey, Tring
Gullick, John, Bristol, Licensed Victualler Nov 1 Wansbrough & Robinson, Bristol
Hannington, Annie, Finchampstead, Berks Nov 1 Cooke & Cooper, Wokingham
Hexham, Elizabeth, Clarendon rd, Holland park Nov 8 Thompson, Rochdale
Hibbert, Joseph, Lowfield rd, Kilburn, Gent Oct 24 Young & Co, St Mildred's court, Poultry
Holland, Robert, Frodsham, co Chester, Gent Dec 1 Linaker & Linaker, Runcorn
Hulme, Thomas, Biddulph Moor, Staffs, Farmer Nov 10 Heaton & Son, Burslem
Hussey, Henrietta, Salisbury Oct 28 Wilson & Sons, Salisbury
Joule, Elizabeth, Salford Oct 31 Crofton & Craven, Manchester
Ladbury, Margaret, Bury New rd, Manchester Oct 31 Crofton & Craven, Manchester
Martin, Eliza, Sheffield Oct 14 Taylor & Co, Sheffield
May, Joseph Melbourne, Deal, Kent Oct 16 Wilks, jr, Deal
Morgan, David Lloyd, Esq, M D, C B, retired Inspector General of Fleets and Hospitals, Rhormasm House, nr Llandilo, co Carmarthen Nov 8 William, Llandilo
Oldershaw, James, Strelley, Notts, Farmer Nov 1 Flint, Derby
Purdon, William Causabon, Tinerana, Clare, Ireland Nov 1 Wing & Du Cane, Gray's inn sq
Robertson, Robert William, Oulton, Suffolk, Gent Oct 21 Reeve & Mayhew, Lowestoft
Rooney, John, Manchester, Fruiterer Dec 6 Cobbett & Co, Manchester
Rostron, Edward, Bury, Tripe Dresser Oct 31 Openshaw, Bury
Snape, Thomas, Warwick, Gent Nov 1 Chadwick & Son, Warwick
Strickland, George Deane, Clifton, Bristol, Gent Nov 1 Strickland & Fletcher, Bristol
Sykes, Hannah, Dalton, nr Huddersfield Nov 1 Ibberson, Heckmondwike
Underwood, John, Nottingham, Gent Oct 30 Wallis, Nottingham
Waters, George, Walmer, Kent Oct 16 Wilks, jun, Deal
Wellard, Robert, Sholden, Kent Oct 16 Wilks, jun, Deal
Williams, William, Penywaun, Llandilo, co Carmarthen, Tailor Nov 8 W R Davies, Pontypridd
Wilson, David, Ovenden, Halifax, Labourer Nov 15 Lamb & Taylor, Birkenhead
Wiltshire, James, Pontypridd, Glam Nov 8 W R Davies, Pontypridd
Wood, Emily Jane, Gloucester Houses, Hyde Park Nov 8 Gedge & Co, Old Palace yard, Westminster
Woolhouse, Wesley Stoker Barker, Regent st, Music Publisher Nov 6 Moodie & Mills, Basinghall st
Worels, Harriet, Deal, Kent Oct 10 Wilks, jun, Deal

BANKRUPTCY NOTICES.

London Gazette.—Friday, Oct 6.

RECEIVING ORDERS.

Ashton, James, Leyland, Lancs, Weaver Bolton Pet Oct 2 Ord Oct 2
Bachner, M, Brewer st, Regent st, Jeweller High Court Pet Sept 8 Ord Oct 2
Banks, Edward, Chapel le Dale, Ingleton, Yorks, Farmer Kendal Pet Oct 3 Ord Oct 3
Brierley, James, Oldham, Property Repairer Oldham Pet Oct 4 Ord Oct 4
Buchan, W Muir, Bernard st, Russell sq High Court Pet July 21 Ord Oct 2
Craxton, Thomas Robert, Devizes, Wilts, Licensed Victualler Bath Pet Oct 4 Ord Oct 4
Donaldson, Betsy, Hainault rd, Leytonstone, Provision Merchant High Court Pet Oct 4 Ord Oct 4
Dore, George Henry, Whippingham, I W, Farmer Newport and Ryde Pet Sept 29 Ord Sept 29
Duckworth, Robert, Bolton, Pork Butcher Bolton Pet Oct 3 Ord Oct 3
Dugg, Herbert Joseph, Heigham, Norwich, Accountant Norwich Pet Oct 3 Ord Oct 3
Dunn, Edwin, Barrow in Furness, Draper Barrow in Furness Pet Oct 2 Ord Oct 2
Evans, John, Kenfig Hill, Glam, Boot Dealer Cardiff Pet Oct 3 Ord Oct 3
Gatehouse, George Henry and Frank Gatehouse, Shaftesbury, Dorset, Saddlers Salisbury Pet Oct 2 Ord Oct 2
Gaunt, Joseph, Barnsley, Watchmaker Barnsley Pet Oct 3 Ord Oct 3
Gibbins, Maria, Green st, Bethnal Green, Boot Dealer High Court Pet Oct 2 Ord Oct 2
Goodwin, Josiah John, Bath, Newspaper Proprietor Bath Pet Oct 3 Ord Oct 3
Griffiths, David, Pontypridd, Glam, Builder Pontypridd Pet Oct 3 Ord Oct 3
Hallam, Charles William, Atherstone, Warwickshire, Grocer Birmingham Pet Sept 20 Ord Oct 2
Hood, John, sen, John Hood, jun, James Thompson Brownlow, and Robert William Hood, Newcastle on Tyne, Fruiterers Newcastle on Tyne Pet Aug 24 Ord Sept 30
Hounsfield, Georgina Jane, Brighton, Spinster Brighton Pet Aug 26 Ord Oct 4
Hunt waite, Charles, Hunslet, Leeds, Commission Agent Leeds Pet Oct 3 Ord Oct 3
Jenkins, Charles Shirewin, Fleet st, Advertising Agent High Court Pet Oct 3 Ord Oct 3
Langdale, Albert Marmaduke, Newington causeway, Cigar Merchant High Court Pet Oct 4 Ord Oct 4
Leach, James, Oldbury, Worcs, late Licensed Victualler West Bromwich Pet Sept 30 Ord Sept 30
Leverton, George, Nottingham, late Grocer Nottingham Pet Oct 3 Ord Oct 3
Levy, Montagu, Dalston lane, Butcher High Court Pet Sept 29 Ord Oct 4
Lockyer, George, Bishops Lydeard, Somerset, Farmer Taunton Pet Oct 4 Ord Oct 4
Lowe, Samuel, Pennington, Leigh, Lancs, Assistant Superintendent of Pearl Life Assurance Co, Lim Bolton Pet Oct 3 Ord Oct 3
Lyon, Elias, Victoria st, Financial Agent High Court Pet Aug 1 Ord Oct 4
Matthews, Frederick, Babbicombe, St Mary Church, Devon, Builder Exeter Pet Oct 4 Ord Oct 4
Northam, Albert, Cardiff, Baker Cardiff Pet Oct 3 Ord Oct 3
O'Donel, Neal, Gracechurch st, Gent High Court Pet June 29 Ord Oct 4
Potter, John Edgecombe, Southend on Sea, Essex, Ironmonger Chelmsford Pet Oct 3 Ord Oct 3
Renwick, Harry Douglas, Streatham, Surrey, Bank Clerk Wandsworth Pet Oct 4 Ord Oct 4
Riley, George William, Pollington, nr Snaith, Yorks, Farmer Wakefield Pet Oct 2 Ord Oct 2
Rogers, Arthur William, Kingston on Thames, Tutor Kingston, Surrey Pet Oct 2 Ord Oct 2
Schafer, Rudolph George, Weston super Mare, Confectioner Bridgwater Pet Sept 30 Ord Sept 30
Scott, Sam, Idle, Yorks, Plumber Bradford Pet Sept 30 Ord Sept 30
Shaw, William, Farley, nr Much Wenlock, Salop, Proprietor of Steam Thrashing Machines Madeley Pet Oct 2 Ord Oct 2
Steer, Abraham, Marlborough mansions, Victoria st, Builder High Court Pet Oct 2 Ord Oct 2
Stevens, Charles E, Cambridge, Licensed Victualler Croydon Pet Sept 8 Ord Oct 3
Stonehewer, Herbert, Hall Green, Astbury, Cheshire, Working Mechanic Macclesfield Pet Oct 2 Ord Pet 2
Till, George Chambers, Minster, Isle of Sheppey, Kent, Farmer Rochester Pet Oct 4 Ord Oct 4
Webster, Peter Capstack, Blackpool, Clothier Preston Pet Sept 20 Ord Oct 4
White, Friend, Darenth, nr Dartford, Kent, Wood Dealer Rochester Pet Oct 4 Ord Oct 4
Winter, William Adam, Brighton, Cab Proprietor Brighton Pet Oct 3 Ord Oct 1
Winterbotton, William, Blackpool, House Furnisher Preston Pet Sept 23 Ord Oct 4

FIRST MEETINGS.

Alexander, Thomas, Detling, Kent, Farmer Oct 17 at 3.15 Off Rec, Week st, Maidstone, Kent
Ashton, James, Leyland, Lancs, Weaver Oct 14 at 10.30 16, Wood st, Bolton
Bathee, Thomas, Maesbury, nr Oswestry, Salop, Miller Oct 15 at 2.15 Queen's Hotel, Oswestry
Bennett, Walter, Bredon, Worcs, Market Gardener Oct 14 at 3 County Court bldgs, Cheltenham
Booth, Tom, Gorton, Manchester, Grocer Oct 13 at 2.45 Ogden's chmbrs, Bridge st, Manchester
Bottoms, Thomas, Aston, Warwickshire, Cycle Manufacturer Oct 16 at 11 23, Colmore row, Birmingham
Burgoyne, John, Hereford, Fish Dealer Oct 17 at 10 2, Offa st, Hereford
Coop, Joseph, Warrington, Innkeeper Oct 18 at 2.30 Ogden's chmbrs, Bridge st, Manchester
Davies, Robert, Pant llin mawr, Llanrwst, Denbighshire, Farmer Oct 24 at 1 Market hall, Blaenau Festiniog
De Groat, William, late Bath st, Victualler Oct 13 at 11 Bankruptcy bldgs, Carey st
Dewsnap, M, late of Brighton, Sussex, Spinster Oct 18 at 12 Off Rec, 4, Pavilion bldgs, Brighton
Drummond, James, Putney, Surrey, Tailor Oct 13 at 3.30 24, Railway approach, London Brigde
Duckworth, Robert, Bolton, Pork Butcher Oct 13 at 11 16, Wood st, Bolton
Dunn, Edwin, Barrow in Furness, Draper Oct 20 at 11 16, Cornwallis st, Barrow in Furness
Evans, Alfred, Ross, Herefordshire, Clothier Oct 17 at 10 2, Offa st, Hereford
Gamble, Harry Rudd, Grimston, Norfolk, Farmer Oct 14 at 11.30 Off Rec, 8, King st, Norwich
Gay, Thomas, Bristol, Tailor Oct 18 at 12.30 Off Rec, Bank chmbrs, Corn st, Bristol
Goodwin, Josiah John, Bath, Newspaper Proprietor Oct 18 at 2.30 Inns of Court Hotel, High Holborn
Haddleton, John Thomas, Erdington, Warwickshire, Carpenter Oct 18 at 12 23, Colmore row, Birmingham
Heyden, Henry Ricketts, Chorlton on Medlock, Manchester, Cab Proprietor Oct 13 at 2.30 Ogden's chmbrs, Bridge st, Manchester
Holland, Edward, Manchester, Flour Dealer Oct 13 at 3 Ogden's chmbrs, Bridge st, Manchester
Lamb, William, Blackfriars rd, Teacher of Dancing Oct 13 at 1 Bankruptcy bldgs, Carey st
Lawrie, Thomas, Essex st, Strand, Architect Oct 16 at 11 Bankruptcy bldgs, Carey st
Lewis, Eliza, Lea Marston, Warwickshire, Butcher Oct 18 at 11 23, Colmore row, Birmingham
Lowe, Samuel, Pennington, Leigh, Lancs, Assistant Superintendent of Pearl Life Assurance Co, Lim Oct 13 at 11.30 16, Wood st, Bolton
Mackenzie Bros, High rd, Knightsbridge, Boot Sellers Oct 16 at 12 Bankruptcy bldgs, Carey st
Marsh, Charles John, Barry, Glam, Tobacconist Oct 17 at 12 Off Rec, 29, Queen st, Cardiff
Merewether, Walter, Hereford, Gent Oct 17 at 10 2, Offa st, Hereford
Moden, Henry, Cambridge, Brower Oct 16 at 12 Off Rec, 5, Petty Cury, Cambridge
Morris, Joseph, late of Manchester, Tailor Oct 18 at 2.45 Ogden's chmbrs, Bridge st, Manchester
Parrott, Jane, Neville st, Fulham, Lodging house Keeper Oct 13 at 11 Bankruptcy bldgs, Carey st
Patterick, James, Burnham Market, Norfolk, Coal Merchant Oct 14 at 12 Off Rec, 8, King st, Norwich
Pemberton, William, Derby, Builder Oct 13 at 11 Off Rec, St James's chmbrs, Derby
Perkins, Thomas Henry, Southampton, Fruiterer Oct 16 at 3 Off Rec, 4, East st, Southampton
Pountney, George, Bewdley, Worcs, Licensed Victualler Oct 13 at 12.30 Miller Corbet, solicitor, Kidderminste

PRICE, GEORGE HENRY, Farlow, Salop, Miller Oct 13 at 12.45 Miller Corbet, solicitor, Kidderminster
PRICE, JAMES, Moorhampton, Yazar, Herefordshire, Coal Agent Oct 17 at 10 2, Offa st, Hereford
RATHBONE, JOHN, Exhall, Warwickshire, Licensed Victualler Oct 13 at 12 Off Rec, 17, Hertford st, Coventry
REES, THOMAS, Caemawr, Morriston, nr Swansea, Haulier Oct 13 at 12 Off Rec, 31, Alexandra rd, Swansea
REES, WILLIAM BERTIE SKONE, Haverfordwest, Grocer Oct 14 at 11 Off Rec, 11, Quay st, Carmarthen
ROBERTS, CHARLES HONEYWOOD, Cardiff, Cycle Agent Oct 17 at 11 Off Rec, 29, Queen st, Cardiff
SCHAFER, RUDOLPH GEORGE, Weston super Mare, Confectioner Oct 14 at 11 Bristol Arms Hotel, High st, Bridgwater
SCOTT, SAM, Idle, Yorks, Plumber Oct 16 at 11 Off Rec, 31, Manor row, Bradford
SHAW, WILLIAM, Farley, nr Much Wenlock, Salop, Proprietor of Steam Thrashing Machines Oct 13 at 11 30 County Court Office, Madeley
SODEN, JOHN, Stanground, Hunts, Florist Oct 23 at 12 Law Courts, New rd, Peterborough
TRISTRAM, JOHN, Hereford, Builder Oct 17 at 10 2, Offa st, Hereford
TURNEY, JOHN, the younger, High Wycombe, Coal Merchant Oct 17 at 4 1, St Aldate's, Oxford
WAGHORN, GEORGE PAUL, and ALBERT EDWARD MACEY, Holloway rd, Holloway, Oil Merchants Oct 13 at 12 Bankruptcy bldgs, Carey st
WALTER, EDGAR, Banbury, Wood Carver Oct 13 at 12 1, St Aldate's, Oxford
WATTS, JOHN THOMAS, King's Lynn, Tailor Oct 14 at 11 Off Rec, 8, King st, Norwich
WEBBER, JAMES, Hereford, Saddler Oct 17 at 10 2, Offa st, Hereford
WEST, FREDERICK, Cirencester, retired Publican Oct 16 at 12 Off Rec, 32, High st, Swindon, Wilts
WHITE, FRIEND, Darenth, nr Dartford, Kent, Wood Dealer Oct 23 at 11.30 Off Rec, High st, Rochester
WHITTALL, REUBEN, Barrow in Furness, Rail Sawyer Oct 20 at 10.30 16, Cornwallis st, Barrow in Furness
WILLIAMS, RICHARD, Cheltenham, Plumber Oct 14 at 4 County Court bldgs, Cheltenham

ADJUDICATIONS.

ANDREWS, WILLIAM, Nottingham, Electrician Nottingham Pet July 4 Ore Oct 4
ASHTON, JAMES, Leyland, Lancs, Weaver Bolton Pet Oct 2 Ord Oct 2
BANKS, EDWARD, Chapel le Dale, Ingleton, Yorks, Farmer Kendal Pet Oct 3 Ord Oct 3
BRESLAUER, ADOLPH, Leadenhall bldgs, Leadenhall st, Merchant High Court Pet Aug 3 Ord Oct 2
BRIERLEY, JAMES, Oldham, Property Repairer Oldham Pet Oct 4 Ord Oct 4
COOPER, WILLIAM, Wandsworth, Surrey, late Commission Agent Wandsworth Pet Sept 27 Ord Oct 3
CRAXTON, THOMAS ROBERT, Devizes, Wilts, Licensed Victualler Bath Pet Oct 4 Ord Oct 4
CROOK, ABRAHAM, Coventry, Watch Manufacturer Coventry Pet Sept 8 Ord Oct 2
DORE, GEORGE HENRY, Whippingham, I W, Farmer Newport and Ryde Pet Sept 27 Ord Sept 29
DUCKWORTH, ROBERT, Bolton, Pork Butcher Bolton Pet Oct 3 Ord Oct 3
ECKLEY, DAVID, Ferndale, Glam, Blacksmith Pontypridd Pet Sept 28 Ord Oct 2
EVANCE, ALFRED, Bourton, Dorset, Gent Salisbury Pet Aug 23 Ord Oct 2
EVANS, JOHN, Kenfig Hill, Glam, Boot Dealer Cardiff Pet Oct 3 Ord Oct 3
GATEHOUSE, GEORGE HENRY, and FRANK GATEHOUSE, Shaftesbury, Dorset, Saddlers Salisbury Pet Oct 2 Ord Oct 2
GAUNT, JOSEPH, Barnsley, Watchmaker Barnsley Pet Oct 3 Ord Oct 3
GRAY, CLARENCE, Monkseaton, Northumbrid, late Butter Merchant Newcastle on Tyne Pet Sept 14 Ord Oct 3
GURR, EDWARD, and JOHN GURR, late Gt Bath st, Clerkenwell, Butchers High Court Pet Sept 30 Ord Sept 30
HAYWARD, THOMAS, Northleach, Glos, Grocer Cheltenham Pet Sept 15 Ord Oct 3
HUSTWAITE, CHARLES, Hunslet, Leeds, Commission Agent Leeds Pet Oct 3 Ord Oct 3
JACOB, GEORGE, Elwood st, Highbury, Builder High Court Pet Aug 16 Ord Sept 30
JOHNSON, HARRY PAXTON, Longton, Staffs, Commission Agent Longton Pet Aug 30 Ord Sept 30
JONES, WILLIAM WILLIAMS, Towyn, Merioneth, Draper Aberystwith Pet Aug 26 Ord Oct 2
KIPO, JOHN, King's Heath, King's Norton, Worcs, Brickmaker Birmingham Pet Sept 8 Ord Sept 30
KNIGHTS, GEORGE, Leeds, Innkeeper's Manager Leeds Pet Sept 5 Ord Sept 29
LEVERTON, GEORGE, Nottingham, late Grocer Nottingham Pet Oct 3 Ord Oct 3
LITTLE, JOHN DOBIE, Barrow in Furness, Bank Manager Barrow in Furness Pet Aug 4 Ord Oct 4
LOCKYER, GEORGE, Bishops Lydeard, Somerset, Farmer Taunton Pet Oct 4 Ord Oct 4
LOMAX, J C, the Albany, Piccadilly, Esq High Court Pet Aug 3 Ord Sept 30
LONG, THOMAS GEORGE, Scholes, Hepworth, nr Huddersfield, Grocer Huddersfield Pet Sept 28 Ord Sept 29
LYONS, ALFRED DE COURCY, Blagdon, Somerset, Bachelor of Medicine Wells Pet Sept 15 Ord Oct 4
MARTIN, THOMAS HAIGH, Halifax, Milliner Halifax Pet Sept 30 Ord Sept 30
MOORE, WILLIAM, Oldham, Licensed Victualler Oldham Pet Sept 25 Ord Sept 29
NEALE, JAMES, Bloomsbury sq, Architect High Court Pet Aug 23 Ord Sept 30
NORTHAM, ALBERT, Cardiff, Baker Cardiff Pet Oct 3 Ord Oct 3
PICKTHALL, WILLIAM, Appold st, Hemp Merchant High Court Pet Sept 14 Ord Sept 30
POTTER, WALTER, St George, Glos, Grocer Bristol Pet Sept 20 Ord Oct 3
POTTER, JOHN EDGECOMBE, Southend on Sea, Essex, Ironmonger Chelmsford Pet Oct 2 Ord Oct 3
RILEY, GEORGE WILLIAM, Pollington, nr Snaith, Yorks, Farmer Wakefield Pet Oct 2 Ord Oct 2
ROGERS, THOMAS CURTIS, Chester sq, Lower Belgravia, Auctioneer High Court Pet July 5 Ord Oct 4
SCHAFER, RUDOLPH GEORGE, Weston super Mare, Confectioner Bridgwater Pet Sept 25 Ord Sept 30
SCOTT, SAM, Idle, Yorks, Plumber Bradford Pet Sept 30 Ord Sept 30
SENIOR, THOMAS PAGET, Pleck, Walsall, Draper Walsall Pet Sept 25 Ord Sept 28
SHAW, WILLIAM, Farley, nr Much Wenlock, Salop, Proprietor of Steam Thrashing Machines Madeley Pet Oct 2 Ord Oct 2
SPENCER, WILLIAM, Halifax, Cabinet Maker Halifax Pet Sept 28 Ord Sept 28
STONEHEWER, HERBERT, Hall Green, Astbury, Cheshire, Working Mechanic Macclesfield Pet July 26 Ord Oct 2
TILL, GEORGE CHAMBERS, Minster, Isle of Sheppey, Kent, Farmer Rochester Pet Oct 4 Ord Oct 4
WHITE, FRIEND, Darenth, nr Dartford, Kent, Wood Dealer Rochester Pet Oct 4 Ord Oct 4

The following amended notice is substituted for that published in the London Gazette of Sept 29:—

DRAKE, ROBERT LEWIS, Leicester, Furniture Dealer Leicester Pet Sept 14 Ord Sept 22

London Gazette—TUESDAY, Oct. 10.

RECEIVING ORDERS.

ALLDEN, CHARLES, Drummond rd, Bermondsey, Light Furniture Manufacturer High Court Pet Oct 5 Ord Oct 5
BAILEY, JOSEPH GEORGE, Tisbury, Wilts, Butcher Salisbury Pet Oct 7 Ord Oct 7
BOOTH, WILLIAM, Ilkeston, Derbyshire, late Fruiterer Derby Pet Oct 7 Ord Oct 7
BOULGER, DEMETRIUS CHARLES, Edwardes sq, Kensington, Author High Court Pet Aug 25 Ord Oct 4
BRANDON, ELLEN, Coleberne rd, South Kensington, Spinster High Court Pet Oct 5 Ord Oct 5
BROWN, WILLIAM, Leicester, Grocer Leicester Pet Oct 4 Ord Oct 4
BROWNRIDGE, WILLIAM, jun, Leeds, Bird Dealer Leeds Pet Oct 5 Ord Oct 5
CANNON, HARRIET SOPHIA, Crayford, Kent, Spinster Rochester Pet Sept 14 Ord Oct 5
CAREY, CHARLES HENRY, Church rd, Little Ilford, Bricklayer High Court Pet Oct 6 Ord Oct 6
CARVER, JOHN, Birmingham, Saddler Birmingham Pet Oct 5 Ord Oct 5
CHASE, ARTHUR, Martin's lane, Cannon st, Turnery Merchant High Court Pet Oct 5 Ord Oct 5
CHAUTREE, JAMES, Tilbury, Essex, Grocer Rochester Pet Sept 11 Ord Oct 5
CROPPER, JOHN, Nottingham, Engineer Nottingham Pet Sept 5 Ord Oct 4
DUCK, GEORGE N, Wimbledon, Surrey Kingston Pet July 11 Ord Oct 6
EARP, GEORGE, Newport, Salop, General Dealer Stafford Pet Oct 7 Ord Oct 7
FERRIER, JOHN, Great Grimsby, Cooper Great Grimsby Pet Oct 2 Ord Oct 2
FOUNTAIN, WILLIAM, Middlesborough, Waiter Middlesborough Pet Oct 3 Ord Oct 3
FOWNES, ERNEST, Great Clacton, Essex, Job Master High Court Pet Oct 7 Ord Oct 7
GILL, WILLIAM ROBERT, and ISABEL JONES, Eelbrook pavement, King's rd, Fulham, Drapers High Court Pet Oct 5 Ord Oct 5
GROVER, MARGARET, Scarborough, Dress Maker Scarborough Pet Oct 5 Ord Oct 5
HOLLIDAY, DAVID, Gt Broughton, Cumbrid, Innkeeper Cockermouth and Workington Pet Sept 23 Ord Oct 5
HORNETT, WILLIAM, Cottenham, Cambs, Shoemaker Cambridge Pet Oct 6 Ord Oct 6
HUTCHINGS, JAMES, Balsall heath, Birmingham, Tailor Birmingham Pet Oct 4 Ord Oct 4
JARVIS, JAMES, Scarborough, Toy Dealer Scarborough Pet Oct 6 Ord Oct 6
JENNINGS, WILLIAM, St Albans, Plumber St Albans Pet Oct 4 Ord Oct 4
JONES, ROBERT CANNING, Blackfriars rd, Wholesale Ironmonger High Court Pet Oct 5 Ord Oct 5
KENT, JOSEPH, Chrishall, Essex, Dealer Cambridge Pet Sept 21 Ord Oct 7
LAMB, HENRY GREGGS, Leicester, Commercial Traveller Leicester Pet Oct 3 Ord Oct 3
LAVER, STEPHEN JOHN, Etchingham, Sussex, Under Manager of Etchingham Dairy Co Tunbridge Wells Pet Oct 3 Ord Oct 3
MUNSON, WILLIAM HENRY, Great Grimsby, Skipper Great Grimsby Pet Oct 3 Ord Oct 4
POTTER, JOSEPH, Whitwell, Rutland, Farmer Leicester Pet Oct 4 Ord Oct 4
PRITCHARD, CHARLES FREDERICK, Derby, Brush Manufacturer Derby Pet Oct 5 Ord Oct 5
ROBERTS, H, Park rd, West Ham, late Watchmaker High Court Pet Aug 3 Ord Oct 5
ROSE, CHARLES, Seven Sisters rd, South Tottenham, Dairyman Edmonton Pet Oct 5 Ord Oct 5
SEAL, WILLIAM ALDINGTON, Hadleigh, Essex, Farmer Chelmsford Pet Aug 21 Ord Oct 4
SHEAD, ALFRED, Scarborough, Fancy Draper Scarborough Pet Oct 5 Ord Oct 5
SIMS, ANNE ELIZA, St Leonard's on Sea, Boarding house Keeper Hastings Pet Oct 2 Ord Oct 2
SMITH, FREDERICK, Wednesbury and Walsall, Grocer Walsall Pet Oct 3 Ord Oct 3
SMITH, JOSEPH, Littlebourne Mill, nr Canterbury, Miller Canterbury Pet Oct 7 Ord Oct 7
WALKER, WILLIAM WILSON, Granard rd, Wandsworth common, Surrey, Bookmaker Wandsworth Pet Aug 12 Ord Oct 5
WALLIS, ARTHUR THOMAS, and HENRY ELIAS WALLIS, Waldemar avenue, Fulham, Builders High Court Pet Oct 7 Ord Oct 7
WALLIS, HENRY, Croydon st, Crawford st, Builder High Court Pet Oct 7 Ord Oct 7
WALTHAM, THOMAS, Wisbech, Cambs, Baker King's Lynn Pet Oct 7 Ord Oct 7
WHITTINGTON, WILLIAM, Swineshead, Lincs, Miller Boston Pet Oct 6 Ord Oct 6
WILSON, JAMES, King's Lynn, Bird Stuffer King's Lynn Pet Oct 4 Ord Oct 4
WOOLLIS, JOHN EDMUND, Gt Grimsby, late Smackowner Gt Grimsby Pet Oct 7 Ord Oct 7

The following amended notice is substituted for that published in the London Gazette of 26 Sept.:—

NEAL, THOMAS WILLIAM, Wandsworth, Surrey, Builder Wandsworth Pet Sept 4 Ord Sept 21

FIRST MEETINGS.

ALMOND, HENRY, Blackburn, Cotton Spinner Oct 17 at 3.30 Off Rec, Ogden's chmbrs, Bridge st, Manchester
BACHNER, M, Brewer st, Regent st, Jeweller Oct 19 at 1 Bankruptcy bldgs, Carey st
BRANSBY, DAVID, Newport, Mon, Commission Agent Oct 18 at 11 Off Rec, Gloucester Bank chmbrs, Newport, Mon
BRIGGS, WILLIAM HENRY, Chipping Norton, Oxon, Draper Oct 20 at 11 1, St Aldate's, Oxon
BROWN, WILLIAM, Leicester, Grocer Oct 17 at 12.30 Off Rec, 1, Berridge st, Leicester
BUCHAN, W MUIR, Bernard st, Russell sq Oct 19 at 11 Bankruptcy bldgs, Carey st
CARTER, ELIZABETH FRANCES, Middlesborough, late Hotel Keeper Oct 18 at 3 Off Rec, 8, Albert rd, Middlesborough
COTTERELL, CHARLES RODWAY, Twickenham and Isleworth, Boot Dealer Oct 17 at 12 Off Rec, 95, Temple chmbrs, Temple avenue
CRABTREE, HENRY, St Annes on the Sea, Lancs, Cotton Waste Merchant Oct 20 at 2.30 Off Rec, 14, Chapel st, Preston
CRABTREE, JAMES, Tilbury, Essex, Grocer Oct 19 at 12 Off Rec, Rochester
DAVEY, JOHN, Pricetown, Nantymoel, Glam, Builder Oct 20 at 11.30 Off Rec, 29, Queen st, Cardiff
DORE, GEORGE HENRY, Whippingham, I.W., Farmer Oct 18 at 2.30 19, Quay st, Newport, Isle of Wight
DORE, JOSEPH, Northwood, I.W., Farmer Oct 18 at 2 19, Quay st, Newport, Isle of Wight
DYSTER, WILLIAM, Aldermanbury, Umbrella Manufacturer Oct 18 at 12 Bankruptcy bldgs, Carey st
FERRIER, JOHN, Great Grimsby, Cooper Oct 18 at 11 Off Rec, 15, Osborne st, Great Grimsby
GATEHOUSE, GEORGE HENRY, and FRANK GATEHOUSE, Shaftesbury, Dorset, Saddlers Oct 18 at 1 Off Rec, Salisbury
GIBBINS, MARIA, Green st, Bethnal green, Boot Dealer Oct 19 at 11 Bankruptcy bldgs, Carey st
GURR, EDWARD, and JOHN GURR, Bow rd, Butchers Oct 19 at 12 Bankruptcy bldgs, Carey st
HENRY, WILLIAM, Liverpool, Shoemaker Oct 16 at 2.30 Off Rec, 35, Victoria st, Liverpool
HOLDEN, TOM, Burnley, Butcher Oct 19 at 1.30 Exchange Hotel, Nicholas st, Burnley
HOUNSFIELD, GEORGINA JANE, Brighton, Spinster Oct 17 at 12 Off Rec, 4, Pavilion bldgs, Brighton
JUDD, EDWARD DANIEL, Rayleigh, Essex, Plumber Oct 17 at 3 Off Rec, 95, Temple chambers, Temple avenue
KASTOR, BELIS, Bread st, Cheapside, Warehouseman Oct 18 at 11 Bankruptcy bldgs, Carey st
LAMB, HENRY GREGGS, Leicester, Commercial Traveller Oct 17 at 3 Off Rec, 1, Berridge st, Leicester
LEWIS, WILLIAM, Llywel, nr Trecastle, Brecon, Farmer Oct 18 at 2 Off Rec, 65, High st, Merthyr Tydfil
MATHIAS, WILLIAM, Newport, Mon, Outfitter Oct 18 at 12 Off Rec, Gloucester Bank chambers, Newport, Mon
NEAL, THOMAS WILLIAM, Wandsworth, Surrey, Builder Oct 18 at 12 24, Railway approach, London Bridge
PRATT, JOHN, Burnley, Draper's Assistant Oct 19 at 1 Exchange Hotel, Nicholas st, Burnley
PRITCHARD, CHARLES FREDERICK, Derby, Brush Manufacturer Oct 18 at 12 Off Rec, St James's chmbrs, Derby
RILEY, GEORGE WILLIAM, Pollington, nr Snaith, Yorks, Farmer Oct 17 at 12.15 Carlisle chmbrs, Carlisle st, Goole
RIPLEY, WILLIAM, Leeds, Grocer Oct 18 at 11 Off Rec, 22, Park row, Leeds
SENIOR, THOMAS PAGET, Pleck, Walsall, Draper Oct 18 at 12 Off Rec, Walsall
SMITH, HENRY, and WILLIAM HENRY SMITH, Malton, Yorks, Timber Merchants Oct 18 at 11 Off Rec, Trinity House lane, Hull
SMITH, SYDNEY, Osborne rd, Stroud green, Financial Agent Oct 19 at 2.30 Bankruptcy bldgs, Carey st
STREEBEKKERS, WILLIAM, Glasshouse st, Regent st, Greengrocer Oct 18 at 1 Bankruptcy bldgs, Carey st
STONE, HENRY CHARLES, Cowfold, Sussex, Farmer Oct 18 at 3 Off Rec, 4, Pavilion bldgs, Brighton
STONEHEWER, HERBERT, Hall Green, Astbury, Cheshire, Working Mechanic Oct 17 at 11 Off Rec, 23, King Edward st, Macclesfield
SWALES, BENJAMIN JAQUES, Liverpool, Boot Manufacturer's Agent Oct 18 at 3 Off Rec, 35, Victoria st, Liverpool
TILL, GEORGE CHAMBERS, Minster, Isle of Sheppey, Kent, Farmer Oct 23 at 12 Off Rec, Rochester
WEBSTER, PETER CAPSTACK, Blackpool, Clothier Oct 20 at 3.30 Off Rec, 14, Chapel st, Preston

WESTON, WILLIAM ERNEST, Woolwich, Cowkeeper Oct 18 at 11.30 24, Railway app, London Bridge
WILCOCK, THOMAS, Preston, Joiner Oct 20 at 3 Off Rec, 14, Chapel st, Preston
WILSON, JAMES, King's Lynn, Bird Stuffer Oct 18 at 10.30 W. B. Whall, Market sq, King's Lynn
WYATT, EDWIN GEORGE, Villa rd, Brixton, Architect Oct 18 at 2.30 Bankruptcy bldgs, Carey st

ADJUDICATIONS.

ALLDEN, CHARLES, Drummond rd, Bermondsey, Light Furniture Manufacturer High Court Pet Oct 5 Ord Oct 5
BAILEY, JOSEPH GEORGE, Tisbury, Wilts, Butcher Salisbury Pet Oct 6 Ord Oct 7
BOOTH, WILLIAM, Ilkeston, Derbyshire, late Fruiterer Derby Pet Oct 7 Ord Oct 7
BRANDON, ELLEN, Colebrne rd, South Kensington, Spinster High Court Pet Oct 5 Ord Oct 5
BROWN, WILLIAM, Leicester, Grocer Leicester Pet Oct 4 Ord Oct 4
BROWNRIDGE, WILLIAM, jun, Leeds, Bird Dealer Leeds Pet Oct 5 Ord Oct 5
CAMROUX, GEORGE OLIVER, Craven Hotel, Craven st, Strand, Wine Merchant High Court Pet Sept 18 Ord Oct 5
CAREY, CHARLES HENRY, Church rd, Little Ilford, Bricklayer High Court Pet Oct 6 Ord Oct 6
CHASE, ARTHUR, Martin's lane, Cannon st, Turnery Merchant High Court Pet Oct 5 Ord Oct 5
CRABTREE, JAMES, Tilbury, Essex, Grocer Rochester Pet Sept 11 Ord Oct 5
DONALDSON, BETSY, Hainault rd, Leytonstone, Essex, late Provision Merchant High Court Pet Oct 4 Ord Oct 4
DYSTER, WILLIAM, Aldermanbury, Umbrella Manufacturer High Court Pet Sept 29 Ord Oct 4
EARP, GEORGE, Newport, Salop, General Dealer Stafford Pet Oct 7 Ord Oct 7
EVELYN, EDWARD SHEE, Boodle's Club, St James's st, Piccadilly High Court Pet Au 23 Ord Oct 6
FERRIER, JOHN, Great Grimsby, Cooper Great Grimsby Pet Oct 2 Ord Oct 2
FISHER, JAMES HENRY, and BENJAMIN ROBERT ORVIS, Ipswich, Boot Manufacturers Ipswich Pet Sept 13 Ord Oct 5
FOUNTAIN, WILLIAM, Middlesborough, Waiter Middlesborough Pet Oct 3 Ord Oct 3
GAY, THOMAS, Bristol, Tailor Bristol Pet Sept 29 Ord Oct 6
GIBBINS, MARIA, Green st, Bethnal Green, Boot Dealer High Court Pet Oct 2 Ord Oct 4
GRATTAN, JOHN, Exeter, Boot Manufacturer Exeter Pet Sept 14 Ord Oct 6
GRIFFITHS, DAVID, Pontypridd, Glam, Builder Pontypridd Pet Oct 3 Ord Oct 6
GROVER, MARGARET, Scarborough, Dress Maker Scarborough Pet Oct 5 Ord Oct 6
HORNETT, WILLIAM, Cottenham, Cambs, Shoemaker Cambridge Pet Oct 6 Ord Oct 6
HOUNSFIELD, GEORGINA JANE, Brighton, Spinster Brighton Pet Aug 25 Ord Oct 6
JARVIS, JAMES, Scarborough, Toy Dealer Scarborough Pet Oct 6 Ord Oct 6
LAMB, HENRY GREGGS, Leicester, Commercial Traveller Leicester Pet Sept 29 Ord Oct 6
LAVER, STEPHEN JOHN, Etchingham, Sussex, Under Manager to Etchingham Dairy Co Tunbridge Wells Pet Sept 29 Ord Oct 3
LAWRIE, THOMAS, Essex st, Strand, Architect High Court Pet Sept 1 Ord Oct 4
LEACH, JAMES, Oldbury, Worcs, late Licensed Victualler West Bromwich Pet Sept 29 Ord Oct 5
LOWE, IGNATZ, Newcastle on Tyne, House Furnisher Newcastle on Tyne Pet Aug 26 Ord Oct 7
LOWE, SAMUEL, Pennington, Leigh, Lancs, Assistant Superintendent of Pearl Life Assurance Co, Lim Bolton Pet Oct 3 Ord Oct 6
MUNSON, WILLIAM HENRY, Great Grimsby, Skipper Great Grimsby Pet Oct 3 Ord Oct 4
PARROTT, JANE, Neville st, Fulham, Lodging-house Keeper High Court Pet Sept 27 Ord Oct 4
POTTER, JOSEPH, Whitwell, Rutland, Farmer Leicester Pet Oct 3 Ord Oct 6
PRITCHARD, CHARLES FREDRICK, Derby, Brush Manufacturer Derby Pet Oct 5 Ord Oct 5
SHEAD, ALFRED, Scarborough, Fancy Draper Scarborough Pet Oct 5 Ord Oct 6
SILVERTHORN, CHARLES, jun., Cowper st, City rd, Boot Manufacturer High Court Pet Sept 15 Ord Oct 6
SIMS, ANNE ELIZA, St Leonards on Sea, Boarding-house Keeper Hastings Pet Oct 2 Ord Oct 2
SMITH, A. A., Crawford st, Provision Dealer High Court Pet Aug 18 Ord Oct 5
SMITH, FREDERICK, Wednesbury and Walsall, Grocer Walsall Pet Oct 3 Ord Oct 3
SMITH, JOSEPH, Littlebourne Mill, nr Canterbury, Miller Canterbury Pet Oct 7 Ord Oct 7
SWALES, BENJAMIN JAQUES, Liverpool, Boot Manufacturer's Agent Liverpool Pet Sept 27 Ord Oct 6
WALTHAM, THOMAS, Wisbech, Cambs, Baker King's Lynn Pet Oct 7 Ord Oct 7
WEBSTER, PETER CAPSTACK, Blackpool, Clothier Preston Pet Sept 19 Ord Oct 6
WHITE, WILLIAM JAMES, Trowbridge, Wilts, Builder Bath Pet Sept 21 Ord Oct 4
WHITTINGTON, WILLIAM, Swineshead, Lincs, Miller Boston Pet Oct 6 Ord Oct 6
WILSON, JAMES, King's Lynn, Bird Stuffer King's Lynn Pet Oct 4 Ord Oct 4
WINTER, WILLIAM ADAM, Brighton, Cab Proprietor Brighton Pet Oct 3 Ord Oct 6
WOODFINE, RICHARD Glenpark rd, Forest Gate, Flour Traveller High Court Pet Sept 29 Ord Oct 4
WOOLLIS, JOHN EDMUND, Great Grimsby, late Smackowner Great Grimsby Pet Oct 7 Ord Oct 7

SALE OF ENSUING WEEK.

Oct. 16.—Messrs. H. E. FOSTER & CRANFIELD, at the Mart, E.C., at 2 o'clock, Leasehold Villas and Villa Residences (see advertisement, Sept. 30, p. 2).

All letters intended for publication in the "Solicitors' Journal" must be authenticated by the name of the writer.

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